

PUBLICATION OF REDACTED VERSION
OF THE OEIG FOR THE AGENCIES UNDER THE GOVERNOR
INVESTIGATIVE REPORT

Case # 19-01177

Subject(s): ADRIAN CORLEY, TERI KENNEDY, GLENDAL FRENCH, EMILY RUSKIN,
RICH COOPER SUSAN PRENTICE, WILLIAM SHELTON, JOHN WHEAT, [IDOC
EMPLOYEE 27], and FERNANDO CHAVARRIA

Below is the redacted version of an investigative summary report issued by the Executive Inspector General for the Agencies of the Illinois Governor. Pursuant to section 20-50 of the State Officials and Employees Ethics Act (Act) (5 ILCS 430/20-50), a summary report of an investigation is required to be issued by an executive inspector general when, and only when, at the conclusion of investigation, the executive inspector general determines reasonable cause exists to believe a violation has occurred. If a complaint is not to be filed with the Commission for adjudication of the alleged violation, the Act further requires the executive inspector general to deliver to the Executive Ethics Commission (Commission) a statement setting forth the basis for the decision not to file a complaint and a copy of the summary report of the investigation and of the response from the ultimate jurisdictional authority or agency head regarding the summary report. 5 ILCS 430/20-50(c-5). The Act requires that some summary reports be made available to the public and authorizes the Commission to make others available. 5 ILCS 430/20-52. Before making them available, however, the Commission is to redact from them information that may reveal the identity of witnesses, complainants, or informants and may redact “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

Some summary reports delivered to the Commission may contain a mix of information relating to allegations with respect to which the executive inspector general did and did not determine reasonable cause existed to believe a violation occurred. In those situations, the Commission may redact information relating to those allegations with respect to which the existence of reasonable cause was not determined.

The Commission exercises its publication responsibility with great caution and seeks to balance the sometimes-competing interests of transparency and fairness to the accused and others uninvolved. To balance these interests, the Commission has redacted certain information contained in this report and identified where said redactions have taken place and inserted clarifying edits as marked. Publication of a summary report of an investigation, whether redacted or not, is made with the understanding that the subject or subjects of the investigation may not have had the opportunity to rebut the report’s factual allegations or legal conclusions before issuance of the report. Moreover, there has not been, nor will there be, an opportunity for the subject to contest or adjudicate them before the Commission. The subject merely has the opportunity to submit a response for publication with the report.

The Commission received this report and a response from the ultimate jurisdictional authority and/or agency in this matter from the Agencies of the Illinois Governor Office of Executive Inspector General (“OEIG”). The Commission, pursuant to 5 ILCS 430/20-52, redacted the OEIG’s final report and responses and mailed copies of the redacted version and responses to the Attorney General, the Executive Inspector General for the Agencies of the Illinois Governor, and each subject.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52. By publishing the below redacted summary report, the Commission neither makes nor adopts any determination of fact or conclusions of law for or against any individual or entity referenced therein.

– THE REDACTED VERSION OF THE EIG’S SUMMARY REPORT
BEGINS ON THE NEXT PAGE –

OEIG SUMMARY REPORT

I. ALLEGATIONS AND SUMMARY OF FINDINGS

On June 13 and 21, 2019, the Office of Executive Inspector General (OEIG) received complaints alleging that after [IDOC Employee 1] ticketed an inmate for sexual misconduct, Lt. Adrian Corley required [IDOC Employee 1] and another employee to draw a picture of the incident on a fictitious IDOC form, which was then distributed and shown to other IDOC employees.¹ The complaints alleged that following this incident, Pontiac Correctional Center staff harassed [IDOC Employee 1] and treated him differently based on his sexual orientation.

The evidence gathered in this investigation revealed that Lt. Corley created a fictitious IDOC form that was used to conduct pranks and haze newer employees at IDOC. In this instance, Lt. Corley's intended target was his subordinate, [IDOC Employee 1], who had been working at IDOC for [Identifying Information Redacted]. On October 26, 2018, [IDOC Employee 1] encountered an inmate who put his genitals through the cell bars and was masturbating towards [IDOC Employee 1]. After [IDOC Employee 1] wrote the inmate a sexual misconduct ticket, Lt. Corley directed [IDOC Employee 1] to draw a picture of the incident and sign his name to the fictitious IDOC form. Unbeknownst to [IDOC Employee 1], this fictitious IDOC form was not part of IDOC protocol but instead was done for Lt. Corley's and others' amusement. The fictitious form was shared with an extensive number of other IDOC employees, including other Lieutenants, Majors, Assistant Wardens and the Warden, without anyone taking any timely action to stop the dissemination or correct the wrongdoing. In the months following the widespread dissemination of the form at Pontiac, [IDOC Employee 1] experienced numerous incidents of harassment, including anti-gay slurs, prank calls at work, graffiti with sexual connotations about him, and one incident in which a coworker pressed his body against [IDOC Employee 1]'s.

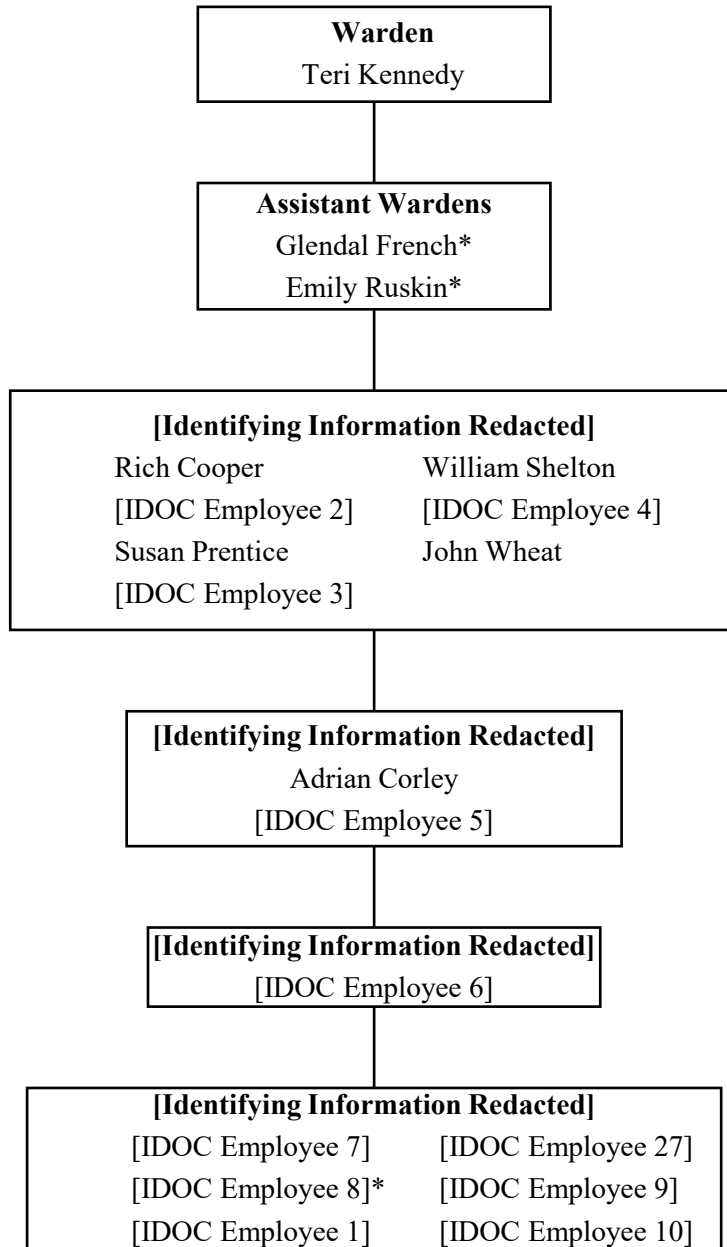
[IDOC Employee 1] repeatedly reported the harassment he experienced, to high-level managers at Pontiac, as well as to IDOC administrators. Although [IDOC Employee 1]'s written submissions detailing the prank and subsequent harassment were referred to IDOC's Office of Affirmative Action, and specifically stated that [IDOC Employee 1] believed he was being harassed based on his perceived sexual orientation, Affirmative Action elected not to open an investigation, on the basis that no covered class had been established. While [IDOC Employee 1]'s complaints were pending with Affirmative Action, he was reassigned to duty in the towers, and the harassment continued. On multiple occasions he requested a hardship transfer to another IDOC facility, but those requests were denied, and he ultimately left IDOC employment.

Based on this investigation, the OEIG found that Lt. Corley and other Pontiac managers engaged in conduct unbecoming of IDOC supervisors; [IDOC Employee 1] was subjected to a hostile work environment at Pontiac, for which IDOC is responsible; a Pontiac Correctional Officer sexually harassed [IDOC Employee 1], the Warden mismanaged Pontiac Correctional Center, and the Affirmative Action Administrator committed misfeasance by failing to investigate [IDOC Employee 1]'s harassment complaints.

II. INVESTIGATION

¹ The second complaint, case number 19-01232, was closed down into this investigation.

Pontiac Correctional Center (Pontiac) is a maximum security prison in Pontiac, Illinois, that houses up to 1,255 adult male inmates; the facility also contains a Medium Security Unit.² As of October 26, 2018, the time relevant to this investigation, employees discussed in this report held the following ranks at Pontiac and will be referred to as such throughout this report:³



² <https://www2.illinois.gov/idoc/facilities/Pages/pontiaccorrectionalcenter.aspx> (last visited Sept. 29, 2020).

³ Staff members with an asterisk subsequently were promoted or received other ranks.

IDOC also assigns staff to some individual Correctional Centers, and assigns others to regions encompassing multiple Correctional Centers, to conduct investigations of allegations of staff misconduct.⁴ In addition, IDOC's Office of Affirmative Action is specifically tasked with conducting investigations of allegations of discrimination, harassment, and sexual harassment. At the time relevant to this investigation, employees held the following Investigations and Affirmative Action positions, respectively:

[Identifying Information Redacted]/ [IDOC Employee 11]
[Identifying Information Redacted]

Office of Affirmative Action Administrator Fernando Chavarria

[Identifying Information Redacted] [IDOC Employee 12]

IDOC Administration staff discussed in this report held the following positions at the time relevant to this investigation:

[Identifying Information Redacted] [IDOC Employee 13]
[Identifying Information Redacted] [IDOC Employee 14]

Personnel records reflect that [IDOC Employee 1] began as a [Identifying Information Redacted]. [IDOC Employee 1] said his duties as [Identifying Information Redacted]. He reported to various staff, depending on his assignment. [IDOC Employee 1] left IDOC employment on [Identifying Information Redacted].

A. Timeline Of Significant Events

As discussed in greater detail below, the following is a timeline of some of the events relevant to this investigation:⁵

Date	Action
[Identifying Information Redacted]	[IDOC Employee 1] began employment as [Identifying Information Redacted]
10/26/18	<ul style="list-style-type: none"> • Lt. Corley directed [IDOC Employee 1] to draw a picture on a fake form he (Lt. Corley) had created ("Fictitious Form"), of an incident in which an inmate was masturbating • Lt. Corley scanned the Fictitious Form to himself and emailed it to Maj. Shelton • Asst. Wardens Ruskin and French, and Majs. Wheat and Cooper also saw the Fictitious Form • Asst. Warden French emailed a photo of the Fictitious Form to [IDOC Employee 5]

⁴ Investigations conducted by staff assigned to an individual Correctional Center are sometimes referred to as "internal investigations," while investigations conducted by staff assigned to a region are sometimes referred to as "external investigations." For the sake of simplicity, this report will collectively refer to both of these types as being conducted by "Investigations."

⁵ Actions taken by IDOC staff, other than [IDOC Employee 1], are bulleted.

	<ul style="list-style-type: none"> • Maj. Prentice received the Fictitious Form, then emailed it to Warden Kennedy, Asst. Warden Ruskin, and Majs. Cooper, Wheat, and [IDOC Employee 3]
10/27/18	<ul style="list-style-type: none"> • Warden Kennedy received a text message with the Fictitious Form • Asst. Warden Ruskin emailed the Fictitious Form to [IDOC Employee 2]
11/4 or 11/5/18	<ul style="list-style-type: none"> • A Pontiac nurse showed the Fictitious Form to [IDOC Employee 9]
11/8/18	<p>[IDOC Employee 1]’s incident report and memorandum to Warden Kennedy reporting the incident with the Fictitious Form, that it had been duplicated and passed around the institution, and that [IDOC Employee 27] had yelled “Hey! I saw that picture you drew. How big was it?”</p> <ul style="list-style-type: none"> • Warden Kennedy’s office emailed the incident report to [IDOC Employee 11] (Investigations)
11/19/18	[IDOC Employee 1]’s incident reports regarding harassment, including that [IDOC Employee 27] pressed his body against [IDOC Employee 1]’s and asked, “do you want to draw this one?” and that [IDOC Employee 1] was called a “fag”
11/24/18	[IDOC Employee 1]’s incident reports regarding harassing phone calls he received at work, including calls in which he was referred to as a “faggot ass bitch”; asked, “Are you done fingering your asshole yet?”; told “I’m not fucking with you”; and hung up on
11/25/18	<ul style="list-style-type: none"> • [IDOC Employee 4] emailed Warden Kennedy that [IDOC Employee 1] asked to change his shift “where he is obviously being harassed”
11/26/18	<ul style="list-style-type: none"> • [IDOC Employee 11] (Investigations) interviewed [IDOC Employee 1]
11/28/18	<ul style="list-style-type: none"> • Warden Kennedy referred [IDOC Employee 1]’s incident reports to Affirmative Action
12/12/18	<ul style="list-style-type: none"> • [Identifying Information Redacted] [IDOC Employee 12] interviewed [IDOC Employee 1], who described the incidents with the Fictitious Form and its subsequent dissemination, the incidents with [IDOC Employee 27], and the harassing phone calls, and said he felt like he had been targeted because of his perceived sexual orientation
1/3/19	[IDOC Employee 1] asked a Human Resources Representative and [Identifying Information Redacted] [IDOC Employee 12] about getting a transfer to another IDOC facility
1/15/19	<ul style="list-style-type: none"> • Memorandum from [Identifying Information Redacted] [IDOC Employee 12] to Affirmative Action Administrator Chavarria, noting that [IDOC Employee 1] had stated in his interview that he felt that he was a target based on his perceived sexual orientation, but recommending that an Affirmative Action investigation was not warranted
3/1/19	[IDOC Employee 1]’s memorandum to [Identifying Information Redacted] [IDOC Employee 14] describing the incident with the Fictitious Form, the incidents with [IDOC Employee 27], harassing phone calls, and an incident in which he was asked to step aside from a strip search because the inmate objected that [IDOC Employee 1] was a “homosexual”
3/8/19	<ul style="list-style-type: none"> • [Identifying Information Redacted] [IDOC Employee 14] emailed [IDOC Employee 1]’s 3/1/19 memorandum to Affirmative Action Administrator Chavarria
3/18/19	[IDOC Employee 1]’s incident reports regarding graffiti in two locations, with sexual connotations about him and other male [Identifying Information Redacted]
3/19/19	<ul style="list-style-type: none"> • Warden Kennedy referred [IDOC Employee 1]’s March 2019 incident reports to Affirmative Action

3/23/19	[IDOC Employee 1]’s hardship transfer request to Personnel based on discrimination and harassment based on his perceived sexual orientation
3/25/19	<ul style="list-style-type: none"> Affirmative Action Administrator Chavarria notified Warden Kennedy that he had closed Affirmative Action’s file regarding [IDOC Employee 1]’s complaints and was referring them back to Investigations, on the basis that they “do not meet the criteria” for discrimination/harassment in IDOC’s Administrative Directives “due to no covered class being established”
3/27/19	<ul style="list-style-type: none"> Memorandum from Warden Kennedy to [Identifying Information Redacted] [IDOC Employee 13] regarding [IDOC Employee 1]’s hardship transfer request, which [IDOC Employee 13] subsequently denied
4/29/19	<ul style="list-style-type: none"> Affirmative Action Administrator Chavarria again notified Warden Kennedy that he had closed Affirmative Action’s file regarding [IDOC Employee 1]’s complaints and was referring them back to Investigations, on the basis that they did not meet the criteria for discrimination/harassment in IDOC’s Administrative Directives “to proceed with an investigation due to no established covered class”
5/24/19	<ul style="list-style-type: none"> [IDOC Employee 11] (Investigations) interviewed [IDOC Employee 1] again
5/26/19	[IDOC Employee 1] emailed [Identifying Information Redacted] [IDOC Employee 15] about a hardship transfer; she responded that she had been directed to hold any personnel moves until a new Director was in place
8/6/19	[IDOC Employee 1]’s hardship transfer request to Warden Kennedy
8/7/19	<ul style="list-style-type: none"> Memorandum from Warden Kennedy to [Identifying Information Redacted] [IDOC Employee 13] regarding [IDOC Employee 1]’s hardship transfer request, which [IDOC Employee 13] subsequently denied
8/9/19	<ul style="list-style-type: none"> Warden Kennedy issued a bulletin to all Pontiac staff summarizing IDOC’s Administrative Directive on discrimination and harassment
8/26/19	[IDOC Employee 1] asked to be reassigned to Pontiac’s Medium Security Unit
[Identifying Information Redacted]	[IDOC Employee 1] resigned from IDOC employment

B. The Creation Of The Fictitious IDOC Incident Form

As part of this investigation, the OEIG obtained a copy of the form at issue. During his interview, [IDOC Employee 1] identified a copy of the October 26, 2018 form (hereinafter the “Fictitious Form”). The Fictitious Form is titled “Illinois Department of Corrections Pontiac Correctional Center Witness Rendering,” contains the IDOC seal, and bears form number “PON (434-69).” In the middle of the form is a large box with instructions: “Draw a picture of the events to the best of your ability and memory.” The box contains a hand-drawn picture of an individual in a cell with his genitals pointed at another individual, who is wearing a badge. The Fictitious Form has a line at the bottom where [IDOC Employee 1]’s name is printed and signed. There is also a line marked “Direct Supervisor,” with a signed name of Lt. Corley.

The OEIG requested policies and procedures requiring the use of an IDOC Witness Rendering form. IDOC’s Ethics Officer confirmed that the form “is not an actual DOC form and does not exist.”

1. Interview of Pontiac [IDOC Employee 1]

During his interview, [IDOC Employee 1] said that on October 26, 2018, he was doing a check of a cell house when an inmate put his genitals through the bars and masturbated towards [IDOC Employee 1] while staring at him.⁶ [IDOC Employee 1] said that after he repeatedly ordered the inmate to get to the back of his cell and the inmate did not comply, he wrote the inmate a sexual misconduct ticket. He said he took the ticket and an incident report to submit to Lt. Corley.⁷

[IDOC Employee 1] said that when he initially entered Lt. Corley's office, Lt. Corley and various other Correctional Officers were there. He said that everybody thought it was funny that [Identifying Information Redacted] was writing a male inmate a sexual misconduct ticket, some staff in the room were chuckling, and that someone, possibly [IDOC Employee 16], told him he should rethink submitting the ticket. However, [IDOC Employee 1] said he did not want to get into trouble for failing to report the incident, and so he left, edited the documents, and then returned to the office and submitted them to Lt. Corley. According to [IDOC Employee 1], [IDOC Employee 16], [IDOC Employee 8], [IDOC Employee 7], and [IDOC Employee 17] were also in the room.⁸ [IDOC Employee 1] said that Lt. Corley handed a form to him and ordered him to complete it; [IDOC Employee 1] described the form as an illustration form with a Pontiac form number on it. [IDOC Employee 1] said he initially balked and told Lt. Corley that he had never seen the form before, but that Lt. Corley told him that it was an institutional form and not something that was taught in the academy.

[IDOC Employee 1] said he started drawing a stick figure illustration of the inmate masturbation incident, but Lt. Corley did not like it. He said Lt. Corley gave him a clean copy of the form, told him to sign the bottom, and told him that [Identifying Information Redacted] would complete the drawing based on [IDOC Employee 1]'s incident report. [IDOC Employee 1] said that [IDOC Employee 7] then began drawing a picture, but that he ([IDOC Employee 1]) left the office before it was completed. [IDOC Employee 1] confirmed that Lt. Corley signed the Fictitious Form on the "Direct Supervisor" line while [IDOC Employee 1] was still in the room.

[IDOC Employee 1] said that he had never seen the Fictitious Form before being given it in Lt. Corley's office. [IDOC Employee 1] said he subsequently asked other Pontiac employees if they had heard of it, but nobody had. He said he did not think the Fictitious Form was appropriate, so he reported it to Warden Teri Kennedy, who told him that such a form does not exist.

⁶ [IDOC Employee 1] was interviewed on August 8 and 14, 2019, and January 6, 2020.

⁷ Various individuals interviewed in the investigation said that the regular procedure for processing a ticket at Pontiac for violations like inmate sexual misconduct is that the Correctional Officer who witnessed the violation drafts the ticket and an incident report, and submits them to his or her supervisor. The supervisor reviews and initials the documentation and submits it to the Shift Commander, who signs the documents. The incident report is submitted to the Warden's office, and the ticket and a copy of the incident report go to the Adjustment Committee, which adjudicates the ticket and determines what discipline, if any, is imposed against the inmate.

⁸ In his OEIG interview on October 22, 2019, [IDOC Employee 17] said that he and [IDOC Employee 1] discussed [IDOC Employee 1]'s sexual misconduct ticket, and that [IDOC Employee 1] subsequently followed him into the office, but [IDOC Employee 17] said he was not in the office when a picture was drawn. During his OEIG interview on November 22, 2019, [IDOC Employee 16] also denied being in the office at the time the picture was drawn, but said that someone (he did not recall who) later showed it to him in the Sergeants' office.

2. Interview of Pontiac [IDOC Employee 7]

In his OEIG interview, [IDOC Employee 7] said that on October 26, 2018, he went to the office to talk to Lt. Corley, and observed [IDOC Employee 1] contemplating how to draw on a form that he ([IDOC Employee 7]) did not recognize.⁹ [IDOC Employee 7] said that [IDOC Employee 8] was also in the office. [IDOC Employee 7] recalled asking [IDOC Employee 1] what he was doing, and [IDOC Employee 1] said he had to draw the incident from the ticket but could not draw. [IDOC Employee 7] said he ([IDOC Employee 7]) also was [Identifying Information Redacted] at that time and offered to help, and then drew the incident as [IDOC Employee 1] described it to him. [IDOC Employee 7] said he handed [IDOC Employee 1] the Fictitious Form after he finished the drawing, and then left the office.

[IDOC Employee 7] said October 26, 2018 was the first time he had seen the Fictitious Form. [IDOC Employee 7] said that he wished he had known it was a fake form, and that he would not have participated in the drawing incident if he had known.

3. Interview of Pontiac [IDOC Employee 8]

OEIG investigators also interviewed [IDOC Employee 8].¹⁰ [IDOC Employee 8] said that on October 26, 2018, he was in the office with Lt. Corley when [IDOC Employee 1] came in to have Lt. Corley review a ticket and incident report, and [IDOC Employee 1] asked Lt. Corley how to write a report for an inmate masturbating. He said that he ([IDOC Employee 8]) had reviewed and approved such tickets written by [Identifying Information Redacted] before, but said he was not aware of any [Identifying Information Redacted] having written tickets for inmate masturbation before.¹¹

[IDOC Employee 8] said that Lt. Corley asked him to retrieve a blank form from a stack on the bookshelf behind him. [IDOC Employee 8] said he had never seen the Fictitious Form before or since, and that it is not a real IDOC form. [IDOC Employee 8] said that while [IDOC Employee 1] was trying to figure out how to complete the Fictitious Form, [IDOC Employee 7] walked in. He said [IDOC Employee 1] described what he had to draw, and asked [IDOC Employee 7] to help draw a picture of an inmate masturbating. He said that [IDOC Employee 7] drew a picture, and [IDOC Employee 1] gave it to Lt. Corley. [IDOC Employee 8] said that crude language, sexual innuendo, and comments were a part of the working environment of the prison, and that [IDOC Employee 1] and [IDOC Employee 7] were laughing when they were drawing the picture.

4. Interview of Pontiac Lt. Corley Regarding the Fictitious Form

⁹ [IDOC Employee 7] was interviewed on October 22, 2019.

¹⁰ [IDOC Employee 8] was interviewed on October 22, 2019. Subsequent to the events discussed in this report, he was promoted to Sergeant.

¹¹ Several other individuals interviewed in the investigation, including Lt. Corley, also agreed that it was rare for [Identifying Information Redacted] to write a ticket to a male inmate for masturbating. Maj. John Wheat agreed that [Identifying Information Redacted] are made fun of for writing sexual misconduct tickets, and Asst. Warden Glendal French said that he has asked [Identifying Information Redacted] if they really wanted to write such tickets because he did not want them to be hazed later.

The OEIG interviewed Lt. Corley on March 12, 2020.¹² Lt. Corley said that he began working as a Correctional Officer at IDOC in 2008, and that he had been a Lieutenant at Pontiac Correctional Center since 2017. Lt. Corley said that on October 26, 2018, he was assigned to Pontiac's West Cell House. He said that Maj. Susan Prentice was the Major who was usually assigned to supervise the West Cell House at that time, but that she was off that day, and therefore his supervisor for the day was East Cell House Maj. William Shelton.¹³ Lt. Corley said that [IDOC Employee 1] worked under his (Lt. Corley's) supervision in his chain of command that day.

Lt. Corley said that on the date of the incident with the Fictitious Form, a Sergeant told him that [IDOC Employee 1] had written an inmate a ticket for something minor, such as insolence or failure to obey an order. Lt. Corley said that approximately two hours later, he was working on the computer in the office and [IDOC Employee 1] came in and set some paperwork down on the desk. According to Lt. Corley, without looking up from the computer, he told [IDOC Employee 1] to make sure to complete a Witness Rendering form. He said that [IDOC Employee 8], who also was in the office, took a blank Fictitious Form from a pile of three or four other copies on a shelf and handed it to [IDOC Employee 1]. Lt. Corley said that [IDOC Employee 1] sat down to complete the Fictitious Form, and Lt. Corley left the office to respond to a call. Lt. Corley said that when he returned, [IDOC Employee 7] was sitting with [IDOC Employee 1]; he said [IDOC Employee 1] asked if it was all right if [IDOC Employee 7] helped him with the Fictitious Form, and Lt. Corley told him it was. Lt. Corley said he left the office again, and when he returned he saw what was drawn on the Fictitious Form. Lt. Corley claimed he was shocked by the drawing, and that he did not know [IDOC Employee 1]'s ticket was for sexual misconduct until after the drawing was completed.

During his OEIG interview, Lt. Corley identified the Fictitious Form dated October 26, 2018 as the Witness Rendering form he directed [IDOC Employee 1] to complete, and confirmed that his (Lt. Corley's) signature is on the bottom. Lt. Corley also admitted that the Fictitious Form was not an actual IDOC form, and said that he used it as a joke to build camaraderie. Although Lt. Corley said that his use of the Fictitious Form on [IDOC Employee 1] was not intended as a sexual joke, he said that it is normal to have sex jokes about everyone at Pontiac, and added that it is everywhere.¹⁴

Lt. Corley said that [IDOC Employee 1] and [IDOC Employee 7] were laughing while they completed the Fictitious Form. He said that after he (Lt. Corley) saw the drawing, he told [IDOC Employee 1] that he was just messing with him, and that [IDOC Employee 1] laughed about the

¹² Following Lt. Corley's interview, between March 13, 2020 and July 28, 2020, the OEIG suspended its interviews of IDOC personnel due to the COVID-19 pandemic, which created particular challenges for correctional facilities. See <https://www2.illinois.gov/idoc/facilities/Pages/Covid19Response.aspx> (last visited Oct. 7, 2020). Following July 28, 2020, the OEIG conducted the remaining interviews in the investigation by video conference.

¹³ By contrast, Warden Kennedy told the OEIG that in the absence of Lt. Corley's usual direct supervisor, he would have reported to the Shift Commander. However, Maj. Wheat, who was the Shift Commander during the relevant shift on October 26, 2018, also said that if the West Cell House Major was off work, a Lieutenant in that cell house would report to another cell house Major.

¹⁴ Lt. Corley acknowledged that some people use the number 69 as a sexual reference, but said he used it as the number for the Fictitious Form because six and nine are his daughters' birth months (June and September), rather than as a sexual reference.

drawing.¹⁵ Lt. Corley said that after October 26, 2018, he and [IDOC Employee 1] joked about the Fictitious Form, and he recalled that [IDOC Employee 1] was concerned about getting into trouble for completing it.

Lt. Corley said he created the Fictitious Form on a State computer in the North Cell House four to six months before he used it on [IDOC Employee 1], by modifying an inmate property transfer form he was drafting. Lt. Corley maintained that he previously used the Fictitious Form several times to play jokes on [Identifying Information Redacted], but said he only recalled the name of one of those individuals, who was a former Correctional Officer. Lt. Corley said he printed approximately five blank copies of the Fictitious Form on the North Cell House printer, and brought them with him when he moved to the West Cell House. He said that someone got rid of the remaining blank Fictitious Forms after [IDOC Employee 1] wrote an incident report about being directed to draw on the Fictitious Form.

In his OEIG interview, Lt. Corley said that after the picture was completed, he used the scanner in the office to scan the Fictitious Form to himself, and then used the office computer to email it to Maj. Shelton. He said he also took the original paper Fictitious Form to Maj. John Wheat in another office and showed it to him; he said he did not recall if anyone else was in Maj. Wheat's office at that time. Lt. Corley said that Maj. Wheat laughed, and then walked out of the office with the Fictitious Form, and that he (Lt. Corley) did not see it again. Lt. Corley explained that he emailed the Fictitious Form to Maj. Shelton to share the joke he played on [IDOC Employee 1] and that he took it to show Maj. Wheat because it was funny. He said he did not give the Fictitious Form to anyone other than Maj. Shelton and Maj. Wheat.

Lt. Corley said that later in the shift on October 26, 2018, Asst. Warden Glendal French called him laughing about the Fictitious Form and asked if someone really drew it. Lt. Corley said he did not speak with Maj. Prentice that day because she was not at work, but that they also spoke about the Fictitious Form when she returned, and he recalled that Maj. Prentice also thought it was funny. Lt. Corley said that sometime during the week following October 26, 2018, he saw Warden Kennedy in passing on the sidewalk at Pontiac, and Warden Kennedy brought up the Fictitious Form. He said that Warden Kennedy was smiling and laughing, and said something about Asst. Warden Ruskin laughing so hard at the Fictitious Form that she about peed her pants. Lt. Corley said that no one told him that he should not have used the Fictitious Form, or not to do it again.

C. Circulation Of The Fictitious Form At Pontiac

OEIG investigators obtained the State email accounts of various Pontiac supervisors for the period just after the Fictitious Form was completed on October 26, 2018, including Lt. Corley. A review of the State email records confirmed that on October 26, 2018, Lt. Corley used his State email account to send a scanned version of the Fictitious Form both to himself and to Maj. Shelton. Investigators did not identify any other emails attaching or discussing the Fictitious Form sent from Lt. Corley's email account on or shortly after October 26, 2018.

¹⁵ Lt. Corley said that [IDOC Employee 7] was no longer in the office when he told [IDOC Employee 1] that the Fictitious Form was a joke.

Because the OEIG learned that most Correctional Officers at Pontiac do not have State email accounts, the OEIG limited its examination to the State email accounts of Lt. Corley and a selection of other higher-level employees. In addition to Lt. Corley's email to Maj. Shelton attaching the Fictitious Form, during this limited review the OEIG identified instances in which Maj. Prentice emailed the Fictitious Form to other high-level managers at Pontiac, including Warden Kennedy, Asst. Warden Ruskin, and three Majors. In addition, the OEIG identified an exchange between Asst. Warden Ruskin and a Major who was her subordinate at the time, in which Asst. Warden Ruskin sent the Fictitious Form to the Major and they joked back and forth about it. The OEIG also identified an instance when Asst. Warden French emailed the Fictitious Form to a Lieutenant.

1. Lt. Corley's Dissemination of the Fictitious Form

In an OEIG interview, Maj. Shelton said that he was the Major for the East Cell House, and that the Lieutenants and other staff in that cell house reported to him.¹⁶ Maj. Shelton confirmed that he received the email with the Fictitious Form from Lt. Corley while he (Maj. Shelton) was at work. Maj. Shelton said that the Fictitious Form was not a real IDOC form, and recalled chuckling when he received it. Regarding the culture at Pontiac, Maj. Shelton said, "everybody jokes with everybody," and jokes are made to make people laugh and build camaraderie.¹⁷ Maj. Shelton said that he did not believe he forwarded the email on to anyone else.¹⁸ When asked if most Pontiac staff had seen or heard about the incident with [IDOC Employee 1] within a few days after the Fictitious Form was completed, Maj. Shelton said, "That would be pretty close to accurate."

Maj. Shelton said that he later spoke to Lt. Corley about the Fictitious Form, and Lt. Corley told him that he (Lt. Corley) had created the Fictitious Form and told [IDOC Employee 1] to complete it. Maj. Shelton said he did not recall telling Lt. Corley that the prank was inappropriate, and said he did not report Lt. Corley's email and the Fictitious Form to anyone. Maj. Shelton said he did not recall having any conversation with any of his supervisors about the incident, including the Assistant Wardens, or the Warden.

Maj. Wheat told OEIG investigators that he would have been the Shift Commander for the 7:00 a.m. to 3:00 p.m. shift on October 26, 2018, and that in that assignment he was responsible for the administrative needs of the shift, including approving tickets and incident reports, and handling discipline for staff.¹⁹ He explained that the cell house Majors handle the daily interactions between [Identifying Information Redacted] and inmates.

Maj. Wheat recalled Lt. Corley showing him the Fictitious Form in his (Maj. Wheat's) office, and that Lt. Corley thought it was funny. He said that Lt. Corley told him that he (Lt. Corley) told [IDOC Employee 1] to draw the picture on the Fictitious Form. Maj. Wheat said that

¹⁶ Maj. Shelton was interviewed on December 13, 2019.

¹⁷ Various Pontiac staff interviewed in the investigation recalled that they were also pranked when they were newer [Identifying Information Redacted].

¹⁸ Investigators did not identify any emails discussing the Fictitious Form sent from Maj. Shelton's email account on or shortly after October 26, 2018.

¹⁹ Maj. Wheat was interviewed on December 13, 2019.

he looked at the picture and might have said it was stupid, then handed it back to Lt. Corley. He said he did not think he forwarded the picture to anyone else.

Regarding the culture at Pontiac, Maj. Wheat agreed that some hazing is done to test [Identifying Information Redacted] and see what they are made of and build camaraderie, and added that the “teasing never ends.” Maj. Wheat said that the prank with the Fictitious Form did not show a [Identifying Information Redacted] the right way to do things, and he agreed that if someone had addressed Lt. Corley’s actions when they received the information, the spread of the Fictitious Form could have been stopped. However, he said he was unaware of any steps being taken to stop the spread of the Fictitious Form or correct Lt. Corley’s actions, and said that he did not report Lt. Corley’s conduct to anyone; he also said that he did not recall a meeting at which the Fictitious Form was discussed.

In his OEIG interview, Maj. Rich Cooper said that he was Pontiac’s Administrative Major on October 26, 2018, which meant that he was responsible for handling attendance reviews for staff, initiating staff discipline for certain types of violations, overseeing the training room, and reviewing rosters.²⁰

Maj. Cooper said that he saw the Fictitious Form on October 26, 2018, when he was in the Shift Commander’s office with Maj. Wheat and a group of other individuals. Maj. Cooper said he thought the Fictitious Form was on Maj. Wheat’s desk when he (Maj. Cooper) entered the office, and recalled people laughing about it. Maj. Cooper confirmed that the Fictitious Form was a fake form, and said that Lt. Corley was bragging about creating it. Maj. Cooper said that he and Maj. Prentice probably talked about the Fictitious Form, but he did not recall sending it to her. He said that he did not think he emailed, texted, or forwarded a picture of the Fictitious Form to anyone, and noted that he is not allowed to have a phone in the Pontiac facility; he also said that, to his knowledge, he did not take a copy of the Fictitious Form out of the facility.²¹

Maj. Cooper said that hazing has been going on at Pontiac for years, but that the incident with the Fictitious Form went “above and beyond” the “everyday” hazing because Lt. Corley took the time to create a form. He said that it was inappropriate for Lt. Corley to direct [IDOC Employee 1] to complete the Fictitious Form. When asked if, as a higher-ranked officer than Lt. Corley, he had a duty to report the inappropriate conduct, Maj. Cooper said, “I’d probably say we all have a duty to do that.” However, Maj. Cooper said he never had any discussions with Lt. Corley about the impropriety of his actions, other than that the group in the Shift Commander’s office on October 26, 2018 might have told Lt. Corley that he was stupid. Maj. Cooper said he did not recall Warden Kennedy attempting to stop the spread of the Fictitious Form.

2. Dissemination of the Fictitious Form by Maj. Susan Prentice

²⁰ Maj. Cooper was interviewed on January 30, 2020. He said that his responsibilities relating to discipline include addressing infractions in cell houses, such as losing keys or leaving a door open. He said discipline relating to officers harassing [Identifying Information Redacted] would be handled by the Warden’s office, rather than him.

²¹ OEIG investigators did not identify any emails that discussed the Fictitious Form that were sent from Maj. Cooper’s State email account on or shortly after October 26, 2018.

On January 30, 2020, OEIG investigators interviewed Maj. Prentice, who said that in October 2018 she supervised Lt. Corley in the West Cell House, and that [IDOC Employee 1] also was under her chain of command. She said her supervisors were Maj. Wheat, Asst. Warden French, and Warden Kennedy.

Maj. Prentice said she either received a phone call about the Fictitious Form or received the image on October 26, 2018 or the next day, while she was on vacation. She initially said she believed Maj. Wheat sent it to her; however, after she was shown the emails discussed below, she said that Maj. Cooper must have sent it to her. Maj. Prentice's State email account did not include any emails in which she received the Fictitious Form, but does show that she sent multiple emails about the Fictitious Form to various Pontiac supervisors on October 26, 2018:

Time	To	Content
3:52 p.m.	Lt. Corley, Maj. Cooper, Maj. Wheat, Asst. Warden Ruskin, Warden Kennedy, [IDOC Employee 3]	Subject: "Lol." Attaches a JPG file, and states, "I seriously just wet my pant [sic]"
3:56 p.m.	Maj. Wheat	"I just pissed alittle [sic]. COOpER sent me [IDOC Employee 1]'s doc 434-69 form"
3:58 p.m.	Asst. Warden Ruskin	"I'm sitting here and I think I pissed alittle [sic]. Cooper sent me the form [Identifying Information Redacted] [IDOC Employee 1] filled out."

Maj. Prentice confirmed that she sent these emails, and that the JPG file attached to the 3:52 p.m. email was a photograph of the Fictitious Form that was originally sent to her. She said she was off duty when she sent the emails, and that she sent them because the Fictitious Form was funny. Maj. Prentice said she also showed the image to her husband, [Identifying Information Redacted], but she did not think she shared it with anyone else.

Maj. Prentice said that when she returned to work after her vacation, she discussed the Fictitious Form with Lt. Corley. She said that Lt. Corley told her that he told [IDOC Employee 1] to draw the image of an inmate masturbating, and that he saw the Fictitious Form as a joke. Maj. Prentice said it was inappropriate for Lt. Corley to direct a subordinate to complete the Fictitious Form and draw the picture. However, Maj. Prentice maintained that although she supervised Lt. Corley at that time, she had no duty to talk to him about his conduct, report it, or initiate discipline. She explained that she was off work the day the incident occurred, and that as the Shift Commander that day, Maj. Wheat could have initiated discipline. In addition, she said that she knew the Wardens had seen the Fictitious Form at that point. Maj. Prentice said that neither Asst. Warden Emily Ruskin nor Warden Kennedy responded to her emails, or directed staff to stop spreading the picture. She also said she was not aware if any supervisors had any meeting related to the use and distribution of the Fictitious Form.

3. Dissemination of the Fictitious Form by Asst. Warden Emily Ruskin

OEIG investigators interviewed Asst. Warden Ruskin on August 27, 2020.²² Asst. Warden Ruskin said that she was the Assistant Warden of Programs at Pontiac from August 2016 to February 2020, and that in that position she oversaw Pontiac’s Healthcare Unit, mental health staff, offender records, education, and counseling units. She said she reported directly to Pontiac’s Warden at that time.

Asst. Warden Ruskin recalled first seeing the Fictitious Form in the Pontiac Operations office, and that Maj. Wheat, who was the Shift Commander that day, may have shown it to her; she said that Asst. Warden French and Maj. Cooper also were there. Asst. Warden Ruskin said that she was told that Lt. Corley had directed [IDOC Employee 1] to draw on the Fictitious Form. Asst. Warden Ruskin said she did not recall receiving the October 26, 2018 email from Maj. Prentice that attached a JPG image, but acknowledged that it would have gone to her State email account and that Maj. Prentice did not send it to her for any official reason. Asst. Warden Ruskin said she did not know who [IDOC Employee 1] was at that time, and that when she saw the Fictitious Form she laughed and thought it was funny that [Identifying Information Redacted] would fall for a prank like that.

Asst. Warden Ruskin said that news of the prank “went like wildfire,” and that it was “probably considered the most epic prank in Pontiac history.” Her State email account reflects that on October 27, 2018, the day after the Fictitious Form was completed, she emailed it to [IDOC Employee 2], and that they exchanged multiple emails about it:

Time	From	To	Content
6:33 a.m.	Asst. Warden Ruskin	[IDOC Employee 2]	“Did you hear about yesterday w the [Identifying Information Redacted]” ²³
6:34 a.m.	[IDOC Employee 2]	Asst. Warden Ruskin	“OMG YES!! I want to see the pic he drew!!”
6:34 a.m.	Asst. Warden Ruskin	[IDOC Employee 2]	“The details. The PON number. We all peed ourselves.” (attaching JPG copy of the Fictitious Form)
6:35 a.m.	Asst. Warden Ruskin	[IDOC Employee 2]	“I’m no expert but something doesn’t seem right. . . .” (attaching enlarged version of the genital area of the Fictitious Form)
6:37 a.m.	[IDOC Employee 2]	Asst. Warden Ruskin	“LOL !! I hope that pic isn’t to scale.”
6:37 a.m.	Asst. Warden Ruskin	[IDOC Employee 2]	“Literally Glendal wheat coop me were crying with stomach cramping”

²² Subsequent to the events discussed in this report, Asst. Warden Ruskin was promoted to the position of Warden at Lincoln Correctional Center.

²³ Asst. Warden Ruskin explained in her interview that [Identifying Information Redacted].

6:38 a.m.	[IDOC Employee 2]	Asst. Warden Ruskin	“And he had another [Identifying Information Redacted] go witness it. What do you say to that??”
6:44 a.m.	[IDOC Employee 2]	Asst. Warden Ruskin	“I got a question for you?? What are on top of the balls??”

In her interview, Asst. Warden Ruskin said she did not recall these emails, but that she probably sent them from her State cellular phone. She said that [IDOC Employee 2] was in her chain of command that day, because she believed she was the Duty Warden for the weekend. She acknowledged that her exchange with [IDOC Employee 2] about the Fictitious Form was unprofessional and inappropriate.²⁴

Asst. Warden Ruskin said that it was inappropriate for Lt. Corley to direct a subordinate to draw the picture, and that her and other supervisors’ circulation of the Fictitious Form also was conduct unbecoming of supervisors. However, she said she did not recall talking to Lt. Corley about it, other than perhaps to ask something like “what were you thinking?” in passing. She said that at some point, she heard that some Pontiac nurses had copies of the Fictitious Form, and that she told her [IDOC Employee 25] that people who worked for her (Asst. Warden Ruskin) had better not have any copies or make fun of the Fictitious Form, and to get rid of any copies that existed. Asst. Warden Ruskin said that other than talking to her [IDOC Employee 25], she did not recall giving staff any direction to stop circulating the Fictitious Form and stop gossiping about it. Asst. Warden Ruskin said that at some point she and Warden Kennedy discussed the Fictitious Form, and that Warden Kennedy was upset about it. However, she said she did not know if Warden Kennedy ever gave any staff direction about stopping the circulation of the Fictitious Form.

4. Dissemination of the Fictitious Form by Asst. Warden Glendal French

In an OEIG interview, Asst. Warden French said that he was temporarily assigned to the position of Assistant Warden of Operations for approximately 14 months between 2018 and 2020, including on October 26, 2018.²⁵ Asst. Warden French said that when he was in that position, his duties included overseeing all security-related operations at Pontiac, and the Majors reported to him.

Asst. Warden French said that he saw the Fictitious Form at some point, and guessed that it was soon after October 26, 2018, but said that he did not recall how or where he saw it. Asst. Warden French also said he heard people talking about the drawing shortly after October 26, 2018, but that he did not recall who, or the specifics of the conversations. He said he did not recall being a part of the group referenced in Asst. Warden Ruskin’s October 27, 2018 email to [IDOC Employee 2] that stated, “Literally Glendal wheat coop me were crying with stomach cramping.”

²⁴ The OEIG was unable to interview [IDOC Employee 2], who was on a leave when the OEIG sought to schedule an interview. OEIG investigators did not identify any other emails that discussed the Fictitious Form that were sent from [IDOC Employee 2]’s State email account on or shortly after October 26, 2018.

²⁵ Asst. Warden French was interviewed on March 5, 2020. Subsequent to the events discussed in the investigation, he returned to the rank of Major at Pontiac, and currently works at Western Correctional Center.

Asst. Warden French's State email account reflects that on October 26, 2018, at 2:59 p.m., he emailed a "JPG" attachment, which appears to be a photograph of the Fictitious Form, to [IDOC Employee 5]; there was no text in the body of the email. In his interview, Asst. Warden French acknowledged that he sent the email to [IDOC Employee 5], although he said he did not recall it, and said that he should not have done so.²⁶ Asst. Warden French said that as an Assistant Warden, he had a State-issued cellular phone, but that he did not recall taking a photograph of the Fictitious Form, and that he did not recall how he got the picture.²⁷ Asst. Warden French said he did not recall showing the Fictitious Form to anyone else.²⁸

Asst. Warden French agreed that the Fictitious Form was inappropriate, but said he did not recall speaking with Lt. Corley about it around October 26, 2018, or telling him that it was inappropriate. Asst. Warden French said that he thought the Fictitious Form was just a prank, but that in hindsight he should have talked to Lt. Corley or imposed discipline.

5. Further Dissemination of the Fictitious Form at Pontiac

[IDOC Employee 1] told OEIG investigators that he believed that after October 26, 2018, the Fictitious Form was emailed, texted, copied, displayed on office walls, and distributed among IDOC staff members. For example, he said that he learned that [IDOC Employee 4] had received it by email, and [IDOC Employee 9] told him that a Pontiac nurse was passing out copies of the Fictitious Form. In addition, he said that another Correctional Officer, [IDOC Employee 27], said to him, "I saw that picture you drew, how big was it?" [IDOC Employee 7] also said in his OEIG interview that after October 26, 2018, he heard that the drawing had made it around the facility, and said that other [Identifying Information Redacted] asked him about the drawing and made fun of it.

In an OEIG interview, [IDOC Employee 4] said that within a week after October 26, 2018, everyone was talking about a picture that had been drawn, and that people were laughing because "they got the new kid."²⁹ [IDOC Employee 4] said she also heard that the drawing had been posted on an IDOC Facebook page called "Behind the Wall," but said she did not see it there herself, and that she did not know who told her that.³⁰ [IDOC Employee 4] said that [IDOC Employee 18] told her that he had seen the drawing, and so she asked him to send it to her, which he did; she said [IDOC Employee 18] did not send it to her in a joking manner, and explained that they were

²⁶ In a January 30, 2020 OEIG interview, [IDOC Employee 5] confirmed that he received the email and Fictitious Form from Asst. Warden French, and said that in a subsequent conversation, Asst. Warden French told him that [Identifying Information Redacted] was told to draw the image on a form that someone made up, after that [Identifying Information Redacted] wrote a ticket for sexual misconduct. [IDOC Employee 5] said he did not forward the Fictitious Form to anyone, and OEIG investigators did not identify any emails that discussed the Fictitious Form that were sent from [IDOC Employee 5]'s State email account on or shortly after October 26, 2018.

²⁷ Asst. Warden French and Warden Kennedy said that the only Pontiac staff members who have State-issued cellular phones within Pontiac are the Wardens, the two Assistant Wardens, the Chief of Internal Affairs, and the Chief of the Intelligence Unit; and that staff are not allowed to have personal cellular phones in the facility.

²⁸ Investigators did not identify any additional emails sent from Asst. Warden French's State email account that discussed the Fictitious Form on or shortly after October 26, 2018.

²⁹ [IDOC Employee 4] was interviewed on September 19, 2019.

³⁰ None of the other individuals interviewed in the investigation stated that they had seen or posted the Fictitious Form on social media.

keeping each other apprised of what was going on.³¹ [IDOC Employee 4] said she did not forward [IDOC Employee 18]' email to anyone else.³² [IDOC Employee 4] said she did not report the Fictitious Form because she believed that everyone already knew about it and it had already been reported.

OEIG investigators also interviewed [IDOC Employee 9].³³ She said that around November 4 or 5, 2018, she went outside on a break during an evening shift at Pontiac. She said three or four other [Identifying Information Redacted] were also there, along with a nurse. [IDOC Employee 9] said she did not know the nurse's name, and was unable to describe her, other than to say that she was female. [IDOC Employee 9] said the nurse asked her and the others if they had seen a picture of what [IDOC Employee 1] had drawn on a "107," or sexual misconduct ticket. [IDOC Employee 9] said that when she and the others said they had not, the nurse pulled one of several copies of the Fictitious Form out of her bag and handed it to her, then told her she wanted it back. According to [IDOC Employee 9], the nurse did not say how she got the Fictitious Form. [IDOC Employee 9] said she heard the others say they had heard about the drawing.

Records reflect that on November 8, 2018, [IDOC Employee 1] submitted an incident report and memorandum to Warden Kennedy, stating that he was directed to draw a picture for an inmate masturbating ticket, and that the Fictitious Form had been duplicated and passed around the institution. [IDOC Employee 1]'s memorandum also stated that during the previous week, [IDOC Employee 27] had yelled at him, "HEY! I SAW THAT PICTURE YOU DREW. HOW BIG WAS IT?"

D. Harassment Of [IDOC Employee 1] After The Fictitious Form Was Circulated, And His Reports And Requests For Action

[IDOC Employee 1] told OEIG investigators that after the Fictitious Form was circulated throughout Pontiac, he experienced multiple harassing incidents at work, and that he submitted multiple incident reports and memoranda about them. He also submitted multiple requests to transfer to another facility, based on hardship.

1. Incidents Involving [IDOC Employee 27]

[IDOC Employee 1] said that he had problems with [IDOC Employee 27] that accelerated after the Fictitious Form was circulated throughout Pontiac.³⁴ [IDOC Employee 1] said that on one occasion, when he was leaving at the end of a shift, he was between the locked Gate 3 doors waiting for them to open, when [IDOC Employee 27] approached him from behind on [IDOC Employee 1]'s left side. He said [IDOC Employee 27] said, "hey [IDOC Employee 1]" in a lower-toned voice, then pressed his torso against the left side of [IDOC Employee 1]'s body, and touched

³¹ OEIG investigators confirmed that [IDOC Employee 18] emailed [IDOC Employee 4] a scanned document on October 30, 2018; the email records reflect that [IDOC Employee 18] had received it from [IDOC Employee 19] on October 28, 2018. [IDOC Employee 18] and [IDOC Employee 19] were not interviewed in the investigation.

³² Investigators did not identify any emails sent from [IDOC Employee 4]' State email account that discussed the Fictitious Form on or shortly after October 26, 2018.

³³ [IDOC Employee 9] was interviewed on November 25, 2019.

³⁴ [IDOC Employee 1] said that on one occasion prior to the drawing incident, [IDOC Employee 27] had made fun of his teeth.

his ([IDOC Employee 27]'s) genitals against [IDOC Employee 1]'s left hand. [IDOC Employee 1] said [IDOC Employee 27] whispered, "do you want to draw this one?" into his ear. [IDOC Employee 1] said that this contact was unwelcome and unwanted, and that he immediately moved away from [IDOC Employee 27]. He said that another officer was also waiting for the gate to open, and asked [IDOC Employee 27] why he was standing so close to [IDOC Employee 1], and then [IDOC Employee 27] moved away from him.³⁵ [IDOC Employee 1] described another incident, in which he heard someone shout from the East Catwalk, "[IDOC Employee 1]'s a fag," so that inmates and other employees would have been able to hear; [IDOC Employee 1] said he did not see the person, but recognized the voice as [IDOC Employee 27]'s.

The OEIG obtained copies of two memoranda from [IDOC Employee 1] to Warden Kennedy dated November 19, 2018. One memorandum described the incident in which [IDOC Employee 27] pressed up against [IDOC Employee 1], and indicated that that incident occurred on November 5, 2019. The second memorandum stated that on November 19, 2018, when [IDOC Employee 1] was [Identifying Information Redacted], he heard a voice from the East Cell House Catwalk say, "[IDOC EMPLOYEE 1] IS A FAG."³⁶ In these memoranda, [IDOC Employee 1] stated that since the incident with the Fictitious Form, he had been "subjected to harassment by colleagues" and was told that he had been "the subject of jokes around the institution." He also wrote: "All I want to do is work in a harassment free workplace and not have to worry about coming to work due to fear of colleagues harassing me."

OEIG investigators interviewed [IDOC Employee 27] on January 30, 2020. He said that in October 2018, he was assigned to the East Cell House or East Catwalk, and that he worked with [IDOC Employee 1] a few times when [IDOC Employee 1] also was assigned to the East Cell House. [IDOC Employee 27] said that he heard about a picture that was drawn and that Lt. Corley created a form as a joke, but [IDOC Employee 27] said he had not seen it. [IDOC Employee 27] denied that he pressed his genitals against [IDOC Employee 1] at the gate leaving work, and asked him to "draw this one." He added that he never intentionally rubbed against [IDOC Employee 1], but if that had happened it was because it was crowded in the gate area. When asked whether another [Identifying Information Redacted] told [IDOC Employee 27] to leave [IDOC Employee 1] alone, [IDOC Employee 27] said that was not familiar to him. [IDOC Employee 27] also denied asking [IDOC Employee 1] "how big was it," or calling him derogatory names such as "fag" or "faggot."

2. Harassing Calls to [IDOC Employee 1] in the Towers

[IDOC Employee 1] said that after he filed complaints against Lt. Corley, he was segregated from other Pontiac staff and inmates by being continuously assigned to Tower 21. He

³⁵ [IDOC Employee 1] said the other officer might have been [IDOC Employee 20]. In a November 25, 2019 OEIG interview, [IDOC Employee 20] said that he and [IDOC Employee 27] are friends, and that they generally leave work together. [IDOC Employee 20] denied knowing who [IDOC Employee 1] was, and denied seeing or hearing about the Fictitious Form. [IDOC Employee 20] also denied seeing [IDOC Employee 27] press himself against another officer at Gate 3 during a shift change, or asking [IDOC Employee 27] why he was standing so close to another [Identifying Information Redacted] or telling him to leave [Identifying Information Redacted] alone.

³⁶ In this memorandum, [IDOC Employee 1] did not indicate that he recognized the voice as [IDOC Employee 27]'s, but said he was told by [Identifying Information Redacted] that [IDOC Employee 27] was assigned to the East Catwalk.

said that while he was working in Tower 21, he received many harassing telephone calls, which he said sounded like were [IDOC Employee 27]’s voice. OEIG investigators obtained copies of [IDOC Employee 1]’s multiple incident reports dated November 24, 2018. The reports stated that [IDOC Employee 1] had received multiple calls that day in Tower 21, including calls in which the callers asked, “Are you done fingering your buttohole yet?,” referred to him as a “faggot ass bitch,” and said, “I’m not fucking with you.” The incident reports also indicated that [IDOC Employee 1] had received several hang-up calls. In his OEIG interview, [IDOC Employee 27] denied calling [IDOC Employee 1] and asking if he was “fingering his buttohole” saying [IDOC Employee 1] was a “faggot ass bitch,” telling [IDOC Employee 1], “I’m not fucking with you,” or otherwise prank-calling [IDOC Employee 1].

In her interview, [IDOC Employee 4] recalled an occasion when [IDOC Employee 1] approached her while working overtime on her shift. She said that [IDOC Employee 1] told her about the incident with the Fictitious Form,³⁷ and said that he felt he was undergoing a great amount of harassment due to the nature of the picture, including that people were making fun of him and he was receiving harassing calls. [IDOC Employee 4] said they discussed the possibility of [IDOC Employee 1] transferring to a different shift. In addition, [IDOC Employee 4] said when [IDOC Employee 1] continued to report prank telephone calls, she removed the telephones from the cell houses, except for the telephones in the Lieutenants’ offices and the control center. She said she also read the IDOC Administrative Directive on telephone use at roll call, and warned the officers that calls could be traced. In his interview, [IDOC Employee 1] said the prank calls decreased after [IDOC Employee 4] took that action.

[IDOC Employee 4] said that about ten days after her conversation with [IDOC Employee 1], on November 25, 2018, [IDOC Employee 1] told her that he had decided he wanted to change shifts, and so she sent an email to Warden Kennedy about it. OEIG investigators identified a November 25, 2018 email from [IDOC Employee 4] to Warden Kennedy, in which [IDOC Employee 4] wrote that [IDOC Employee 1] had turned in paperwork to get off the 7:00 to 3:00 shift, “where he is obviously being harassed.” The records reflect that Warden Kennedy responded to [IDOC Employee 4] by email later that day: “He needs to submit his paperwork. His issues are being investigated.”³⁸ [IDOC Employee 4] said that [IDOC Employee 1]’s request to change shifts was approved.

Asst. Warden Ruskin said that after the incident with the Fictitious Form, [IDOC Employee 1] contacted her multiple times and told her about prank calls he was receiving and other mistreatment, and about wanting to get a transfer; she said she also heard about officers calling

³⁷ [IDOC Employee 4] said that she did not realize until this conversation that [IDOC Employee 1] was the [Identifying Information Redacted] involved with the drawing.

³⁸ [IDOC Employee 4] said that on November 29, 2018, Asst. Warden French told her that Warden Kennedy had decided to remove her as Shift Commander effective December 1, 2018, and that when she brought up the November 25, 2018 email she had sent Warden Kennedy, Asst. Warden French told her that she should never put anything in writing, and that in her email she was acknowledging that [IDOC Employee 1] was being harassed. In his interview, Maj. French said that he took direction from Warden Kennedy about [IDOC Employee 4]’ reassignment, and thought it was because [IDOC Employee 4] was having issues with correct reporting. In her OEIG interview, Warden Kennedy confirmed that she made the decision to remove [IDOC Employee 4] from the Shift Supervisor position, and said the decision was based on issues [IDOC Employee 4] had with not reporting multiple incidents, and was not because of [IDOC Employee 4]’ email about [IDOC Employee 1].

[IDOC Employee 1] names like “fag” and “faggot.” Asst. Warden Ruskin said that because she was not in [IDOC Employee 1]’s chain of command she encouraged him to report his issues through his chain of command, and that she also reported the issues to Asst. Warden French and Warden Kennedy and told them that officers were still messing with [IDOC Employee 1]. She said she did not recall how Asst. Warden French and Warden Kennedy responded, other than to tell her that it was all being investigated. Asst. Warden Ruskin said that after she met [IDOC Employee 1], the prank with the Fictitious Form was no longer funny to her because he seemed very hurt by it.³⁹

3. Inmate Strip Search Incident

In his OEIG interview, [IDOC Employee 1] said that during a shift in which he was counting inmates who wanted to take showers, one inmate told [IDOC Employee 6] that he did not want a “homosexual,” referring to [IDOC Employee 1], strip searching him after his shower. [IDOC Employee 1] said that [IDOC Employee 6] then ordered him to step aside and not strip search any inmate who stated that they did not want to be strip searched by him. [IDOC Employee 1] said that another officer strip searched the inmate who had objected.

[IDOC Employee 1] said he was upset that he was unable to do his job, and that he went to the Shift Commander’s office and told a Major there what had happened. [IDOC Employee 1] said that that Major told him that he did not agree with it, but instructed him to “tough it out” for that night. He said [IDOC Employee 4] later “chewed . . . out” [IDOC Employee 6] about the incident. In addition, he said that a Sergeant later told the inmates that [IDOC Employee 1] was to be treated with respect, and did not allow the inmates to decide whether they wanted to be strip searched by [IDOC Employee 1]. [IDOC Employee 1] said that after the Sergeant addressed the inmates it was no longer an issue.

In her interview, [IDOC Employee 4] said that she heard that an inmate had refused to allow [IDOC Employee 1] to strip search him, claiming it was because [IDOC Employee 1] was gay, and that when [IDOC Employee 6] got involved to assist with the situation he agreed with the inmate. She said she heard that as a result, the inmate was screaming through the cell house that no one had to submit to a strip search by [IDOC Employee 1]. [IDOC Employee 4] said that [IDOC Employee 6] was wrong, and that she informally verbally reprimanded him for it, but that he was not formally counseled or disciplined. She said that [IDOC Employee 6] told her that he did not really think, and that it appeared that he was trying to avoid causing problems.

OEIG investigators interviewed [IDOC Employee 6].⁴⁰ [IDOC Employee 6] explained that inmates are subject to being strip searched any time they are taken out of their cells. He said he recalled an incident when an inmate refused to be strip searched by [IDOC Employee 1], but that he did not recall telling [IDOC Employee 1] to step aside and not conduct the search. [IDOC Employee 6] said that occasionally he has replaced an officer on a strip search to de-escalate a situation between the inmate and officer and make things go as smoothly as possible. He said that if he did ask [IDOC Employee 1] to step aside, it would have been to de-escalate a situation and

³⁹ Asst. Warden Ruskin added [The Commission has exercised its discretion to redact this footnote pursuant to 5 ILCS 430/20-52].

⁴⁰ [IDOC Employee 6] was interviewed on November 22, 2019.

would not have had anything to do with sexual orientation. [IDOC Employee 6] said that inmates refuse to be strip searched and frequently say that officers are gay, but that he tells the inmate that the search is happening anyway. [IDOC Employee 6] recalled [Identifying Information Redacted] [IDOC Employee 4] telling him that his actions were not appropriate, but said he did not know why she felt it was not appropriate for him to de-escalate the situation in the way he did. He said that he had heard about the Fictitious Form, but had not seen it, and that he did not know that [IDOC Employee 1] was involved.⁴¹

4. [IDOC Employee 1]’s March 1, 2019 Memorandum to IDOC [Identifying Information Redacted] [IDOC Employee 14]

[IDOC Employee 1] submitted a memorandum and letter dated March 1, 2019, to [Identifying Information Redacted] [IDOC Employee 14], at IDOC headquarters in Springfield.⁴² [IDOC Employee 1] described the incident with the Fictitious Form, its subsequent distribution around Pontiac, the incidents with [IDOC Employee 27], the harassing phone calls, and the incident in which he was asked to step aside from an inmate strip search. [IDOC Employee 1] wrote that he felt that staff’s “preconceived misconceptions of who I am as a person in my personal life interferes with how I am treated in the workplace,” and that he was “treated differently than the other male staff based on what other [sic] believe to be true.” He wrote, “I consistently feel as if I am working in a hostile work environment never knowing what I am walking into on a daily basis,” and “I no longer want to be discriminated against or harassed.” [IDOC Employee 1] concluded the memorandum by stating that he felt that most supervisors and the “Administration” had disregarded the issues he was dealing with.

[IDOC Employee 14] was interviewed on August 5, 2020. He said that he was the [Identifying Information Redacted] of IDOC’s central region from [Identifying Information Redacted], and that in that position the [Identifying Information Redacted]. [IDOC Employee 14] recalled [IDOC Employee 1]’s March 1, 2019 memorandum; he said that [IDOC Employee 1] also verbally told him that he was being harassed at his facility, and asked for his assistance in resolving the matter. [IDOC Employee 14] said that [IDOC Employee 1]’s memorandum was concerning, especially the nature of some of the things staff were saying to [IDOC Employee 1] and the inappropriate names he was called. He also said that the incident involving a Lieutenant directing [IDOC Employee 1] to draw a picture of an inmate masturbating “absolutely was inappropriate.” [IDOC Employee 14] said that at some point he reached out to Warden Kennedy, and that she told him that she had reassigned [IDOC Employee 1], possibly to a tower. He said he also sent [IDOC Employee 1]’s memorandum to Affirmative Action.⁴³

5. Graffiti Incidents

⁴¹ Because various individuals interviewed in the investigation told the OEIG that it may be appropriate to change [Identifying Information Redacted] on a strip search when necessary to de-escalate a situation, and because [IDOC Employee 4] timely addressed this incident with [IDOC Employee 6], the OEIG makes no recommendations regarding him in this report.

⁴² [IDOC Employee 14] later became [Identifying Information Redacted].

⁴³ [IDOC Employee 14]’ discussion of [IDOC Employee 1]’s memorandum with Affirmative Action Administrator Chavarria is discussed further below.

[IDOC Employee 1] also described several incidents of graffiti at Pontiac, which contained sexual references to him. He said he observed that someone had written on a refrigerator in Tower 20: “[IDOC Employee 10] wants [IDOC Employee 1] to call him and do butt stuff,” and that the name “[IDOC Employee 10]” was crossed out and “[IDOC Employee 21]” was written in. [IDOC Employee 1] said he saw [IDOC Employee 21] standing in front of the refrigerator, and then a short time later he observed that the name “[IDOC Employee 21]” had been crossed out and “[IDOC Employee 10]” was written in again. [IDOC Employee 1] said that he also observed that someone had written on the West Tower wall: “[IDOC Employee 10] wants to eat [IDOC Employee 1]’s tiny little butt hole.”

Investigators obtained copies of [IDOC Employee 1]’s two incident reports, which were dated March 18, 2019, described each incident of graffiti, and indicated that [IDOC Employee 1] observed both incidents on that date. The OEIG also obtained copies of photographs taken of the graffiti. The incident reports and the photographs were consistent with [IDOC Employee 1]’s description of the graffiti incidents in his interview.⁴⁴ Both incident reports stated that [IDOC Employee 1] found the vandalism insulting, and the incident report regarding the West Tower graffiti stated that [IDOC Employee 1] felt that “this harassment is being done due to this [Identifying Information Redacted]’s [[Identifying Information Redacted]’s] perceived sexual orientation.”

OEIG investigators interviewed [IDOC Employee 10].⁴⁵ [IDOC Employee 10] said that he worked on the East Catwalk and passed through Tower 20 every day to get there; he added that staff working two East Catwalks have to walk through Tower 20 to get to their posts. [IDOC Employee 10] said that one day when he came to work, he saw graffiti on a refrigerator or freezer door in Tower 20, which had a sexual reference directed at him and [IDOC Employee 1]. In his interview, he identified a photograph of the graffiti that said “[IDOC Employee 10] wants to eat [IDOC Employee 1]’s tight little butt hole” as the graffiti he saw.⁴⁶ [IDOC Employee 10] said that when he saw the graffiti, his ([IDOC Employee 10]’s) name was crossed off, “[IDOC Employee 21]” was written over it, “[IDOC Employee 21]” was crossed off, and his ([IDOC Employee 10]’s) name was written again. [IDOC Employee 10] said he did not draw the graffiti and did not know who did; he also denied crossing off his name and replacing it with [IDOC Employee 21]’s name.⁴⁷ [IDOC Employee 10] said that the graffiti was annoying, but that it did not bother him.

[IDOC Employee 4] told investigators that prior to receiving a March 1, 2019 email from Asst. Warden French, [IDOC Employee 1] had been assigned to towers every now and again, and that in the email she was instructed to assign [IDOC Employee 1] exclusively to work in the

⁴⁴ The incident report relating to the graffiti on the West Tower wall indicated that the words “[IDOC Employee 10] likes to eat [IDOC Employee 1]’s tight little butthole facts” were written on a picture glued to the West Tower wall, and that “Heid” was written over “[IDOC Employee 10].”

⁴⁵ [IDOC Employee 10] was interviewed on December 13, 2019. The OEIG was unable to interview [IDOC Employee 21], who was on leave.

⁴⁶ [IDOC Employee 10] said he had not seen or heard about the graffiti that said, “[IDOC Employee 10] wants [IDOC Employee 1] to call him to do butt stuff.”

⁴⁷ In his interview, [IDOC Employee 27] said he saw graffiti about [IDOC Employee 1] on a freezer door in Tower 20 and reported it, but that he had not seen graffiti that said “[IDOC Employee 10] wants to eat [IDOC Employee 1]’s tiny little butthole.” He said he did not know who wrote the graffiti.

towers.⁴⁸ [IDOC Employee 4] said that on March 18, 2019, Warden Kennedy called her about the graffiti [IDOC Employee 1] had observed in a tower, and told her to assign [IDOC Employee 1] only to Tower 21, where [IDOC Employee 4] said there is only one assigned officer and no inmate contact.

E. IDOC's Responses To [IDOC Employee 1]'s Transfer And Reassignment Requests

[IDOC Employee 1] said in his OEIG interview that the events he described significantly interfered with his ability to do his job, and that on multiple occasions beginning on January 24, 2019, he requested a transfer to another facility, but was unsuccessful.

1. January 2019 Discussions about a Hardship Transfer

The documents obtained in the investigation reflect that [IDOC Employee 1] began discussing a hardship transfer with IDOC personnel in early January 2019. An incident report by a [IDOC Employee 26] reflects that on January 3, 2019, [IDOC Employee 1] asked her how to obtain a transfer to another institution due to “harassment and the hostile work environment at Pontiac CC.” In an OEIG interview, [IDOC Employee 26] told investigators that she advised [IDOC Employee 1] to draft a memorandum seeking a hardship transfer, because he did not have enough service time to be eligible for a regular transfer.⁴⁹ A January 15, 2019 memorandum from [Identifying Information Redacted] [IDOC Employee 12] to Affirmative Action Administrator Fernando Chavarria indicated that [IDOC Employee 1] also called her on January 3, 2019 to ask if he could transfer to another facility.⁵⁰

[IDOC Employee 1] produced to the OEIG a memorandum from him to Warden Kennedy, dated January 24, 2019, in which he requested a hardship transfer to another IDOC facility. The memorandum stated that while working at Pontiac, he had “been subjected to the misconduct of supervisors and other staff members,” and that misconduct “started many jokes homosexual and homophobic in nature about me.” IDOC records produced in the investigation did not include this memorandum or reflect any action taken on [IDOC Employee 1]'s January 24, 2019 request.

2. [IDOC Employee 1]'s March 2019 Request for Hardship Transfer

In a memorandum to Personnel dated March 23, 2019, [IDOC Employee 1] requested a hardship transfer to another facility, citing “all of the discrimination, harassment, and unprofessional conduct I’ve had to endure during my employment here at Pontiac Correctional Center because of my perceived sexual orientation.” [IDOC Employee 1] wrote: “I now dread coming to work everyday because of the uncertainty of what I will have to endure from co-workers.”

⁴⁸ Investigators confirmed that in that email, Asst. Warden French directed [IDOC Employee 4] and another [Identifying Information Redacted] to “[a]ssign [IDOC Employee 1] to a tower until further notice.”

⁴⁹ [IDOC Employee 26] was interviewed on March 12, 2020.

⁵⁰ The referral of [IDOC Employee 1]'s issues to IDOC's Office of Affirmative Action is discussed in greater detail below.

A one-page form from Warden Kennedy to [Identifying Information Redacted] [IDOC Employee 13], dated March 27, 2019, indicated that [IDOC Employee 1] had requested a hardship transfer to one of several listed facilities, and briefly listed [IDOC Employee 1]’s IDOC employment, disciplinary, and evaluation history. The form did not state the basis for [IDOC Employee 1]’s request, but indicated that a memo from [IDOC Employee 1] was attached. An “Approved” line on the form was checked, with a signature in Warden Kennedy’s name, followed by a “Denied” line that was checked, with a signature in [IDOC Employee 13]’s name.

3. [IDOC Employee 1]’s April/May 2019 Request for Hardship Transfer

In a May 26, 2019 email to [Identifying Information Redacted] [IDOC Employee 15], [IDOC Employee 1] referenced an April 26, 2019 transfer request memorandum he said he sent to [IDOC Employee 15]’s assistant, and asked if [IDOC Employee 15] had made a decision. The April 26, 2019 memorandum was addressed to [IDOC Employee 15], described the incidents with the Fictitious Form and its circulation, harassing phone calls, graffiti, and strip search, and stated that [IDOC Employee 1] had been “exposed to discrimination, harassment, retaliation, and unprofessional conduct from supervisors and peers due to [his] sexual orientation. . .” Based on those issues, and other problems relating to his commute, [IDOC Employee 1] requested a hardship transfer. [IDOC Employee 15] responded on May 26, 2019 that she hoped [IDOC Employee 1] “can hold on,” and explained that she had been directed to hold any personnel moves until a new IDOC Director was in place.⁵¹

4. [IDOC Employee 1]’s August 2019 Request for Hardship Transfer

In an August 6, 2019 memorandum to Warden Kennedy, [IDOC Employee 1] again requested a hardship transfer. He summarized the prior incidents with the Fictitious Form (which was attached to the memorandum), harassing phone calls, being ordered to step aside from an inmate strip search, assignments to tower duty, and the graffiti, and asked her to reconsider his hardship transfer request. [IDOC Employee 1] wrote that he felt “as if my peers and supervisors are depriving me of my civil and human rights due to my sexual orientation and I am being treated differently because of my sexual orientation.”

A one-page form from Warden Kennedy to [IDOC Employee 13], dated August 7, 2019, again indicated that [IDOC Employee 1] had requested a hardship transfer to one of several listed facilities, and was nearly identical to the one-page form relating to [IDOC Employee 1]’s March 2019 hardship transfer request. As with the prior form, the August 7, 2019 form did not state the basis for [IDOC Employee 1]’s request, but indicated that a memo from [IDOC Employee 1] was attached. An “Approved” line on the form was checked, with a signature in Warden Kennedy’s name, followed by a “Denied” line that was checked, with a signature in [IDOC Employee 13]’s name. The form also had a handwritten notation, “Denied [IDOC Employee 13] 8-12-19.”

⁵¹ Former IDOC [Identifying Information Redacted] [IDOC Employee 23]’s last day of State employment was [Identifying Information Redacted]; [IDOC Employee 24] became [Identifying Information Redacted] on [Identifying Information Redacted]. [IDOC Employee 15] also left State employment, and was not interviewed in the investigation.

On August 9, 2019, Warden Kennedy issued a bulletin to all Pontiac staff, which summarized a portion of IDOC's Administrative Directive that prohibits discrimination, harassment, and retaliation; the bulletin indicated that it was to be read at roll call for seven days.⁵²

5. [IDOC Employee 1]'s Request for Reassignment to the Medium Security Unit

In an August 26, 2019 email to a [Identifying Information Redacted], and a September 1, 2019 memorandum to Warden Kennedy, [IDOC Employee 1] asked to be reassigned to the Medium Security Unit at Pontiac. [IDOC Employee 1] confirmed in an interview that he received that reassignment.

6. Interview of [Identifying Information Redacted] [IDOC Employee 13]

In an OEIG interview, [IDOC Employee 13] said that he was the [Identifying Information Redacted] at IDOC from [Identifying Information Redacted].⁵³ [IDOC Employee 13] said that when he was in that position he received approximately six hardship transfer requests per year, which came to him in hard copy form through the mail. He said that other administrators received them as well, and opined that requests were submitted to staff based on who the requester thought would give the request the most attention or respond with an approval. [IDOC Employee 13] said he was not aware of any policies or procedures related to hardship transfers, and said that his practice was to review each request, and examine whether the hardship the employee cited was beyond their control, and whether the employee could address it in alternative ways.⁵⁴

[IDOC Employee 13] said he did not recall receiving [IDOC Employee 1]'s January 24, 2019 hardship request. After reviewing [IDOC Employee 1]'s March and August 2019 transfer requests and supporting documentation during his interview, [IDOC Employee 13] confirmed his signatures on the denials reflected on the one-page memoranda from Warden Kennedy, but said he did not recall receiving the requests or why he denied them. He said he did not recall seeing [IDOC Employee 1]'s memoranda, incident reports, or the Fictitious Form, and did not recall the circumstances [IDOC Employee 1] described in his documentation. He said he also did not recall speaking with Warden Kennedy or anyone else about [IDOC Employee 1]'s requests. During his interview, [IDOC Employee 13] was shown a copy of the Fictitious Form purportedly attached to [IDOC Employee 1]'s August 2019 request; he said that he was "very disturbed" after seeing the document and believed he would have recalled the Fictitious Form if it had come to him.

[IDOC Employee 13] said that the conduct detailed in the documentation was inappropriate and concerning if true, and he could not believe he would not have "gotten really pissed off" by the contents of [IDOC Employee 1]'s memoranda and demanded some sort of action had he seen

⁵² In her interview, Warden Kennedy said she did not know if her directive to read the policy at roll call was related to [IDOC Employee 1]'s reported issues.

⁵³ [IDOC Employee 13] was interviewed on September 14, 2020. He currently is the [Identifying Information Redacted].

⁵⁴ In response to an OEIG request for documents, IDOC confirmed that there are no Administrative Directives or written policies regarding hardship transfers, nor does the applicable collective bargaining agreement address them; IDOC stated that its practice is to work with the collective bargaining unit, which must agree to waive a job posting and allow for the employee to fill the position to which he or she is transferring.

them. He said that if he had received a request detailing coworker harassment, he would have asked the [Identifying Information Redacted] assigned to Pontiac to ensure that a referral was made to Affirmative Action, and that he would have taken some administrative action to ensure [IDOC Employee 1]’s safety until the investigation was concluded. He explained that Affirmative Action Administrator Chavarria “is the expert for [IDOC] when it comes to those issues.”

F. [IDOC Employee 1]’s Resignation

[IDOC Employee 1] resigned from IDOC employment on [Identifying Information Redacted]. In a January 6, 2020 follow-up interview, [IDOC Employee 1] explained that he took another position elsewhere, at a lower pay rate, because he wanted a “fresh clean slate.” [IDOC Employee 1] said that after his reassignment to Pontiac’s Medium Security Unit, he no longer received prank phone calls or was called names. However, he said he felt he had to leave IDOC because he kept being assigned to the towers in the Medium Security Unit, which he believed would prevent him from getting the experience necessary to get promoted, and IDOC rejected his requests to transfer to another facility.

G. Interview Of Warden Teri Kennedy

The OEIG interviewed Warden Kennedy on September 11, 2020. She said that she worked at Pontiac in various positions between 1995 and January 2020 (other than an assignment elsewhere between 2008 and 2010), and that she was the Warden at Pontiac from May 2018 to January 2020.⁵⁵ She said that in that position, she oversaw the day-to-day operations at Pontiac, and reported to the Deputy Director.

In her interview, Warden Kennedy recalled seeing the Fictitious Form for the first time in a text message when she was at a sporting event on a Saturday, and believes she may have received the text message from Asst. Warden Ruskin; she said she did not recall any dialogue about the image at that time.⁵⁶ She acknowledged in her interview that it was not an official IDOC or Pontiac form. However, Warden Kennedy said she did not pay too much attention to it when she received it, and said that it “probably struck [her] as funny” because of the exaggerated male genitalia on the image. Warden Kennedy said she did not recall receiving the October 26, 2018 email from Maj. Prentice, and that she did not recall sending the Fictitious Form to anyone else.⁵⁷

Warden Kennedy said that shortly after October 26, 2018, [IDOC Employee 1] stopped by her office, detailed the incident involving the Fictitious Form, and said he did not want anyone to get into trouble but that he did not know what to do about it. She said that [IDOC Employee 1] was laughing about the situation when he first talked to her about it, that he did not indicate to her that he felt harassed, and that the “only thing” he was upset about was that the Fictitious Form was being circulated. She said she instructed him to draft an incident report, but did not take other action at that point, even though she had knowledge that a fictitious form had been used as a prank, because she said she did not think at the time that [IDOC Employee 1] was offended.

⁵⁵ Warden Kennedy said that she became the Warden at Logan Correctional Center in January 2020.

⁵⁶ The day after the drawing incident with the Fictitious Form was Saturday, October 27, 2018.

⁵⁷ Investigators did not identify any emails sent from Warden Kennedy’s State email account that discussed the Fictitious Form on or shortly after October 26, 2018.

Warden Kennedy said it did not surprise her to learn that Lt. Corley did the prank, and that she would not be surprised if the Fictitious Form was passed around or that a lot of people knew about the prank. She acknowledged that there was a lot of joking and teasing at Pontiac, as well as quite a few pranks, and that sexual jokes were common, although she said that if someone was uncomfortable with a sexual joke, they said so and that was the end of it. Warden Kennedy added that she herself was pranked on quite a few instances when she was a [Identifying Information Redacted]. She said these pranks were “just basically a rite of passage kind of a thing,” and “a laugh.”

Warden Kennedy said that it was inappropriate for Lt. Corley to direct a subordinate to draw the picture on the Fictitious Form, and that it was inappropriate for other managers to have circulated the picture. Warden Kennedy said she did not recall laughing with Lt. Corley about the Fictitious Form, but said she believes she talked to him and told him that his actions were inappropriate, although she said she did not recall when that conversation occurred. When asked whether she had spoken to Maj. Prentice about her actions, Warden Kennedy said that during a regular meeting she conducts with Majors, on-duty Shift Supervisors, and Assistant Wardens, she discussed using email for professional, work-related purposes, and directed staff to destroy any copies of the Fictitious Form and prevent others from further distributing it; however, she said she did not know whether Maj. Prentice attended that meeting. During her interview, Warden Kennedy initially said that the meeting occurred during the week immediately after October 26, 2018, and that she learned of the extra copies of the Fictitious Form when Asst. Warden Ruskin reported during that meeting that staff in the Healthcare Unit had a copy of the Fictitious Form. However, later in the interview, Warden Kennedy said she believed that [IDOC Employee 1]’s November 8, 2018 incident report was the first time she heard about the extra copies, which then prompted her to give direction about them in the meeting. Warden Kennedy said she did not recall talking to Maj. Wheat, Maj. Cooper, or [IDOC Employee 3] about the email from Maj. Prentice that they all were copied on, unless they were present for the meeting.

Warden Kennedy said she is not aware of any direction other managers provided to their staff about stopping the circulation of the Fictitious Form, other than that Asst. Warden Ruskin told staff in the Healthcare Unit to stop. Warden Kennedy acknowledged that she and the other managers were responsible for addressing staff misconduct and making sure that the working environment was professional for staff. However, she said that more than likely she would not have taken action regarding Lt. Corley’s prank if [IDOC Employee 1] had not later submitted an incident report about it, because “there was no reason to” until she was notified that [IDOC Employee 1] was bothered by the incident.

Warden Kennedy said she recalled getting [IDOC Employee 1]’s November 8, 2018 incident report.⁵⁸ She said that the conduct described in it was concerning to her because [IDOC Employee 1] was affected by it and expressed that he was uncomfortable with it. She said that she forwarded the incident reports to Investigations and the Office of Affirmative Action.

⁵⁸ As noted above, in that incident report [IDOC Employee 1] described the prank with the Fictitious Form, and stated that it had been duplicated and passed around Pontiac.

Warden Kennedy also acknowledged receiving [IDOC Employee 1]’s November 19, 2018 memoranda detailing [IDOC Employee 27]’s conduct, and said she also referred those matters to Investigations and Affirmative Action.⁵⁹ She said that at that time, she directed the Shift Supervisor to keep [IDOC Employee 1] and [IDOC Employee 27] separated, so that they did not work in the same area. Warden Kennedy said that at some point [IDOC Employee 1] was assigned to Tower 21, which is on the outside fence of the facility, to limit his contact with [IDOC Employee 27] and others until the investigation was concluded.⁶⁰ She said that it is common to assign staff to the towers to limit their contact with staff and prevent harassment, and that such an assignment is not a punishment and does not affect a [Identifying Information Redacted] ability to be promoted.⁶¹

Warden Kennedy said she thought she had received [IDOC Employee 1]’s November 24, 2018 incident reports detailing prank calls he received in the towers, and said she also would have referred them to Investigations and Affirmative Action. She said that it is possible to trace calls to identify the phone extension where they originated, which should have been the protocol followed by Investigations.

Warden Kennedy also recalled that graffiti with sexual connotations about [IDOC Employee 1] had been found in the towers, and said that it was photographed and investigated. Warden Kennedy explained that at that point, she referred any incident reports she received from [IDOC Employee 1] to Affirmative Action. She said she wanted [IDOC Employee 1] to be assigned only to Tower 21 because, unlike Tower 20, it is not a shared workspace inside a cell house.

Warden Kennedy said she did not recall receiving [IDOC Employee 1]’s January 24, 2019 hardship request. However, she said that [IDOC Employee 1] did submit multiple hardship transfer requests, which she approved; she said that her practice was to approve all hardship transfer requests she received from staff. She said that she submitted [IDOC Employee 1]’s transfer requests to [IDOC Employee 13], and that she also would have provided [IDOC Employee 13] with any documentation that was provided to her. Warden Kennedy said that she did not discuss [IDOC Employee 1]’s transfer requests with [IDOC Employee 13] or anyone else, and that she did not inform [IDOC Employee 13] of [IDOC Employee 1]’s issues dating back to October 2018. She noted that IDOC administration staff never reached out to her about hardship transfer requests. Warden Kennedy said that [IDOC Employee 1]’s hardship transfer requests were denied at the [Identifying Information Redacted] level, and said she did not recall seeing any hardship transfer requests approved by the [Identifying Information Redacted]. Warden Kennedy said that requests for reassignment to another unit are granted based on seniority under the union contract, and that she believed [IDOC Employee 1] was reassigned to Pontiac’s Medium Security Unit.

⁵⁹ As noted above, in those incident reports [IDOC Employee 1] described the incident in which [IDOC Employee 27] pressed up against him, and the incident in which [Identifying Information Redacted] [IDOC Employee 1] heard a voice from the East Catwalk say, “[IDOC EMPLOYEE 1] IS A FAG.”

⁶⁰ She said that [IDOC Employee 1] was also having issues communicating with inmates, which was another reason for the assignment.

⁶¹ [Identifying Information Redacted] [IDOC Employee 14] and [Identifying Information Redacted] [IDOC Employee 13] also told the OEIG that assignments to the towers are not tools for punishment, and are an option for limiting an employee’s contact with inmates or other staff when they are having problems.

Warden Kennedy said that at some point [IDOC Employee 14] and his replacement, [Identifying Information Redacted] [IDOC Employee 22], contacted her and asked what had been done about [IDOC Employee 1]’s issues, and that she advised them that the matters had been referred to Investigations and Affirmative Action, and that the involved staff had been separated. She said she did not speak with [Identifying Information Redacted] [IDOC Employee 15] or [Identifying Information Redacted] [IDOC Employee 23] about [IDOC Employee 1], and did not recall speaking with current [Identifying Information Redacted] [IDOC Employee 24] .

H. Referral To Investigations

As noted above, Warden Kennedy said that she forwarded [IDOC Employee 1]’s November 8, 2018 incident report to Investigations and the Office of Affirmative Action. Asst. Warden Ruskin explained that at some point “after it wasn’t funny anymore,” everyone who was in charge at Pontiac agreed that the matter should go to Investigations, and that they would “let someone else figure it out”; from that point, she said it was “out of our hands.” Records reflect that on November 8, 2018, an [Identifying Information Redacted] in Warden Kennedy’s office emailed [Identifying Information Redacted] [IDOC Employee 11],⁶² referencing a conversation between Warden Kennedy and [IDOC Employee 1] the previous day. [IDOC Employee 11] responded on November 9, 2018 that she would talk to [IDOC Employee 1] and the officer who instructed him to draw the picture.

Records reflect that [IDOC Employee 11] interviewed [IDOC Employee 1] on November 26, 2018. The events described in [IDOC Employee 11]’s interview report were consistent with [IDOC Employee 1]’s statements in his incident reports and OEIG interview about the incident with the Fictitious Form, its subsequent dissemination, the harassing phone calls he received at work, and the incident when [IDOC Employee 27] pressed up against him.

I. Referral To The Office Of Affirmative Action

[IDOC Employee 11] told OEIG investigators that after she interviewed [IDOC Employee 1], Warden Kennedy decided to refer the matter to Affirmative Action.⁶³ Records reflect that two days after [IDOC Employee 11] interviewed [IDOC Employee 1], in a November 28, 2018 memorandum, Warden Kennedy notified [IDOC Employee 1] that his incident reports alleging harassment were being forwarded to IDOC’s Office of Affirmative Action. Records further reflect that on March 19, 2019, Warden Kennedy referred to Affirmative Action the March 18, 2019 incident reports regarding the graffiti. The Affirmative Action investigative file produced to the OEIG in the investigation included most of [IDOC Employee 1]’s incident reports and memoranda to Warden Kennedy described in Section II.C above.⁶⁴

1. December 12, 2018 Affirmative Action Interview of [IDOC Employee 1]

⁶² [IDOC Employee 11] later became an [Identifying Information Redacted].

⁶³ [IDOC Employee 11] was interviewed on January 14, 2020.

⁶⁴ The Affirmative Action files produced in the investigation did not include [IDOC Employee 1]’s November 8, 2018 incident report, but did include his November 8, 2018 memorandum to Warden Kennedy.

Affirmative Action records indicated that [Identifying Information Redacted] [IDOC Employee 12] interviewed [IDOC Employee 1] on December 12, 2018.⁶⁵ According to [IDOC Employee 12]’s interview report, [IDOC Employee 1] described the incident with Lt. Corley and the Fictitious Form, and stated that other people throughout the facility saw the Fictitious Form. The report indicated that [IDOC Employee 1] also described the subsequent incident in which [IDOC Employee 27] “got real close to him” and asked “Do you want to draw this one?” and an incident in which “he heard someone yell from east cat walk ‘[IDOC Employee 1] is a fag.’” According to the report, [IDOC Employee 1] also described the harassing phone calls he had received at work, including one calling him a “faggot ass bitch,” and one in which the caller asked, “Are you done fingering your asshole yet?” The report indicated that [IDOC Employee 1] stated in his interview that he felt like a target because of his perceived sexual orientation.

2. [Identifying Information Redacted]’s January 15, 2019 Recommendation Against Investigation

In a January 15, 2019 memorandum to IDOC Office of Affirmative Action Administrator Fernando Chavarria, [IDOC Employee 12] summarized [IDOC Employee 1]’s interview statements, including his statement that he felt like a target because of his perceived sexual orientation. She also noted that on January 3, 2019, [IDOC Employee 1] had called her to ask if he could be transferred to another facility, and that he had told her that “he felt harassed and it had made a hostile work environment.” Nevertheless, [IDOC Employee 12] wrote that based on the information provided, she recommended that an investigation was *not* warranted. She explained that [IDOC Employee 1] had stated that [IDOC Employee 27] is currently cordial to him and he did not want anyone to be fired. Finally, [IDOC Employee 12] added that [IDOC Employee 1] “did not refer to a covered class in his complaint.” Therefore, she concluded, “this does not meet the criteria” for IDOC Administrative Directive 03.01.307. That Administrative Directive prohibits harassment based on various protected classifications, including sexual orientation, and requires supervisors to maintain a workplace free of harassment by promoting a professional environment and addressing observed or reported incidents.

3. [Identifying Information Redacted] [IDOC Employee 14] Sends [IDOC Employee 1]’s March 1, 2019 Memorandum to Affirmative Action

As noted above, in a March 1, 2019 memorandum to [Identifying Information Redacted] [IDOC Employee 14], [IDOC Employee 1] described the incident with the Fictitious Form and the subsequent harassment he experienced, writing that he felt he was “treated differently than the other male staff based on what other [sic] believe to be true,” that he consistently felt as if he was “working in a hostile work environment,” and that he “no longer want[ed] to be discriminated against or harassed.” Records reflect that [IDOC Employee 14] emailed [IDOC Employee 1]’s memorandum to Mr. Chavarria on March 8, 2019, writing: “with the seriousness of the allegations, I wanted to ensure you had a heads up.”⁶⁶

⁶⁵ [IDOC Employee 12] retired from State employment during the OEIG’s investigation, and was not interviewed.

⁶⁶ The Affirmative Action file produced to the OEIG in the investigation also included [IDOC Employee 1]’s March 1, 2019 memorandum and letter.

In his OEIG interview, [IDOC Employee 14] said he sent [IDOC Employee 1]’s memorandum to Affirmative Action. He said that he also called Mr. Chavarria, told him that he had sent him a “concerning letter,” and advised him to review it. [IDOC Employee 14] said that he always gave Mr. Chavarria a brief overview of any allegations he referred, and so he was sure he would have discussed the nature of [IDOC Employee 1]’s allegations being about sexual harassment and harassment based on perceived sexual orientation. [IDOC Employee 14] said that based on [IDOC Employee 1]’s memorandum, he expected Affirmative Action to investigate the allegations.

4. March 25, and April 29, 2019 Closures of Affirmative Action Files

The Affirmative Action file produced to the OEIG did not reflect that Affirmative Action took any investigative action other than interviewing [IDOC Employee 1] on December 12, 2018. In a memorandum dated March 25, 2019, Mr. Chavarria wrote Warden Kennedy that he had closed the Affirmative Action file regarding [IDOC Employee 1]’s complaints, and was referring the matters to the Chief of Intelligence and Investigations for review for possible Standards of Conduct violations.⁶⁷ The memorandum did not identify which of [IDOC Employee 1]’s complaints it was addressing, other than that they were internal complaints alleging possible violations of IDOC Administrative Directive 03.01.307 (Discrimination and Harassment), which was the IDOC Administrative Directive cited in [Identifying Information Redacted] [IDOC Employee 12]’s January 15, 2019 assessment. Mr. Chavarria explained that [IDOC Employee 1]’s allegations “do not meet the criteria set forth in the above directive to proceed with an investigation due to no covered class being established.”

In a second memorandum, dated April 29, 2019, Mr. Chavarria again wrote Warden Kennedy that he had closed the Affirmative Action file regarding [IDOC Employee 1]’s complaints, but that, “due to some incidents that were reported,” he was referring the matter to Investigations. This memorandum also did not identify which of [IDOC Employee 1]’s complaints it was addressing, and stated that [IDOC Employee 1]’s allegations did not meet the criteria in Administrative Directive 03.01.307 “to proceed with an investigation due to no established covered class.” In her OEIG interview, Warden Kennedy said she did not speak with Mr. Chavarria about his decisions to close the Affirmative Action files, and did not take other action as a result of his March 25 and April 29, 2019 memoranda to her because the matters had been referred to Investigations.

In his OEIG interview, [IDOC Employee 1] said that he spoke with Mr. Chavarria, who told him that he ([IDOC Employee 1]) had failed to name a protected class in his memoranda and complaints. [IDOC Employee 1] said that Mr. Chavarria also told him that Affirmative Action receives a high number of complaints, and that some have higher priority than others.

5. Interview of IDOC Office of Affirmative Action Administrator Fernando Chavarria

⁶⁷ Mr. Chavarria’s March 25, 2019 memorandum was dated 17 days after [IDOC Employee 14] forwarded [IDOC Employee 1]’s letter to Mr. Chavarria, 7 days after [IDOC Employee 1] submitted incident reports about the graffiti, and 2 days after he submitted a hardship transfer request.

The OEIG interviewed Mr. Chavarria, who said that he had been IDOC's Office of Affirmative Action Administrator for over six years.⁶⁸ Mr. Chavarria said that Affirmative Action receives complaints containing "magic words," such as "discrimination" or "harassment." He said that when Affirmative Action receives a complaint, he conducts a preliminary assessment of whether the allegations fall within one of the three categories of misconduct that Affirmative Action investigates: discrimination and harassment, sexual harassment, and violations under the IDOC Administrative Directive relating to the Americans with Disabilities Act. He said that he may assign the matter to an Affirmative Action investigator for an initial assessment and recommendation regarding whether an investigation is needed. Mr. Chavarria said that if the allegations do not meet the criteria for one of the three categories of misconduct Affirmative Action investigates, they are referred to Internal Affairs to determine whether there was a violation of the IDOC Standards of Conduct. Mr. Chavarria said that he makes the final decision in Affirmative Action cases.

Mr. Chavarria said he received a complaint alleging that a Lieutenant had played a mean joke on [IDOC Employee 1] by directing him to make a drawing on a fictitious form, and that [IDOC Employee 1]'s coworkers then bullied him. Mr. Chavarria said that when he received the complaint, he assigned [Identifying Information Redacted] [IDOC Employee 12] to conduct a preliminary assessment. Mr. Chavarria recalled that [Identifying Information Redacted] [IDOC Employee 14] called him about [IDOC Employee 1] being harassed, and that as a result of the call, he (Mr. Chavarria) drove to Pontiac that same day and interviewed [IDOC Employee 1] for approximately an hour.⁶⁹ In his OEIG interview, Mr. Chavarria said he did not recall when he received the call from [IDOC Employee 14] and interviewed [IDOC Employee 1], other than that it was a Friday, but estimated that it was in early fall, and added that it was right after the joke with the form happened; following his interview, however, Mr. Chavarria advised the OEIG that based on his review of an email from [IDOC Employee 14], he recalled that he visited [IDOC Employee 1] at Pontiac on March 8, 2019. Mr. Chavarria said that in his interview of [IDOC Employee 1], he went over the allegations of bullying with him, and asked [IDOC Employee 1] to name a covered class; however, he said that [IDOC Employee 1] was very hesitant and refused to answer or name a covered class.⁷⁰

Mr. Chavarria said that as a result of [IDOC Employee 1]'s refusal to name a covered class in the interview, he made the decision to refer the complaint to Internal Affairs. Mr. Chavarria initially said that a complainant had to say the "magic words" in order for Affirmative Action to open an investigation, that is, the complainant had to tell him that he or she is in a specific covered class or is alleging sexual harassment. Mr. Chavarria later said that he probably would investigate a complaint that clearly described sexual harassment even if the complainant did not specifically say "magic words" like "sexual harassment," but added that he would have to see if there was proof.

⁶⁸ Mr. Chavarria was interviewed on July 29, 2020.

⁶⁹ Mr. Chavarria said he was not familiar with [IDOC Employee 1]'s March 1, 2019 memorandum to [IDOC Employee 14], and that he did not recall seeing it in the Affirmative Action file.

⁷⁰ The Affirmative Action files that IDOC produced to the OEIG in this investigation did not contain any documentation relating to Mr. Chavarria's interview of [IDOC Employee 1]. Following Mr. Chavarria's OEIG interview, the OEIG asked him to produce any reports or notes of his interview with [IDOC Employee 1]. In response, Mr. Chavarria produced only an undated partial page of handwritten notes.

Mr. Chavarria said he recalled reading in an incident report about an incident in which a coworker pressed up against [IDOC Employee 1], but said he believed that occurred later on, and said that he saw [IDOC Employee 1]’s allegations about being called names like “fag” and “faggot,” but that he assumed those allegations had not yet come up when he made the decision to refer [IDOC Employee 1]’s allegations to Internal Affairs.⁷¹ When shown [IDOC Employee 12]’s January 15, 2019 memorandum to him stating that [IDOC Employee 1] had told her that he felt like a target because of his “perceived sexual orientation,” Mr. Chavarria said that although he likely relied on the memorandum recommending an investigation was *not* warranted, in making his decision to refer the matter to Internal Affairs, he did not recall reading the statement about [IDOC Employee 1]’s perceived sexual orientation, and reiterated that [IDOC Employee 1] refused to say a covered class when Mr. Chavarria interviewed him. Mr. Chavarria then said that he “obviously” did not pay attention to the “sexual orientation” phrase in the memorandum, but that [IDOC Employee 1] made that statement to his investigator rather than to Mr. Chavarria. Finally, Mr. Chavarria said that he “definitely” would have considered the statement if he had seen it.

Mr. Chavarria was asked if he reviewed [IDOC Employee 12]’s report of her interview of [IDOC Employee 1], documenting that [IDOC Employee 1] had stated, among other things, that:

- on one occasion, [IDOC Employee 27] got “real close” to [IDOC Employee 1] and asked “Do you want to draw this one?”;
- [IDOC Employee 1] heard someone yell “[IDOC Employee 1] is a fag” from the East Catwalk, and received calls referring to him as a “faggot ass bitch”; and that
- he felt like a target because of his perceived sexual orientation, and that he felt harassed and that it was making a hostile work environment.

Mr. Chavarria said that he did not catch the above statements in [IDOC Employee 12]’s interview report and memorandum to him, and added, “bad one on me”; however, he said he still would have needed [IDOC Employee 1] to want Mr. Chavarria to use that information as a covered class. Mr. Chavarria then stated that based on seeing [IDOC Employee 12]’s interview report during his OEIG interview, he probably would have launched an investigation.

Mr. Chavarria initially stated that he recalled seeing [IDOC Employee 1]’s March 2019 incident reports regarding the graffiti that were referred to Affirmative Action, but later in the interview said he did not recall seeing them. He said he probably sent them to [IDOC Employee 12], but that [IDOC Employee 1] was not interviewed again by Affirmative Action, to his recollection. Mr. Chavarria said that he had already decided to close the Affirmative Action file on the basis that there was no established covered class, and that he sent the matter to Internal Affairs. However, Mr. Chavarria said he did go to Pontiac to look at the refrigerator that allegedly had some of the graffiti [IDOC Employee 1] complained about, but that the graffiti had already been covered up. When asked what he reviewed to make his April 29, 2019 decision to close the Affirmative Action file, Mr. Chavarria said that he would not have relied on anything other than

⁷¹ As noted above, [IDOC Employee 1] discussed the incident involving [IDOC Employee 27] pressing up against him, and being called names like “fag,” in his November 19, 2018 memoranda to Warden Kennedy, which were included in the Affirmative Action files produced to the OEIG; [IDOC Employee 12]’s interview report indicated that [IDOC Employee 1] also discussed those incidents in his December 12, 2018 Affirmative Action interview.

what was contained in the Affirmative Action file. Mr. Chavarria said that he did not recall what allegations his April 29, 2019 memorandum addressed.⁷²

Mr. Chavarria said that it was “absolutely not” acceptable if the things [IDOC Employee 1] alleged happened to him were true. He said he did not recall whether he discussed with [IDOC Employee 1] the high number of complaints and investigations Affirmative Action had, and that he did not recall whether he informed [IDOC Employee 1] that some cases had a higher priority than others.

J. Resumption Of [IDOC Employee 11]’s Investigation

[IDOC Employee 11] said she suspended her investigation during the time when the matter was referred to Affirmative Action, and that she resumed her investigation after it was sent back from Affirmative Action. Records reflect that [IDOC Employee 11] re-interviewed [IDOC Employee 1] on May 24, 2019, and subsequently interviewed other Pontiac staff.⁷³ In her OEIG interview, she stated that she thought she also looked into whether there was a way to trace calls made to [IDOC Employee 1] while he was working in the towers, but that that was not possible, and that she believed that calls could be identified only for a very short time.

III. ANALYSIS

Prisons are already difficult and dangerous working environments, where staff face challenges posed by inmate misconduct on a daily basis. It is entirely unacceptable that staff at Pontiac Correctional Center also suffer mistreatment at work by their own coworkers and supervisors, due to the unprofessional working environment that flourishes there.

Lt. Corley’s Creation of the Fictitious Form and Use on [IDOC Employee 1]

The evidence gathered in this investigation revealed that Lt. Corley created a fictitious IDOC form and kept multiple copies of it at the ready. He directed [IDOC Employee 1], who was a new employee and his subordinate, to draw a sexually explicit picture on the Fictitious Form, for the purpose of belittling [IDOC Employee 1] and having a laugh at his expense. Lt. Corley then shared the picture with other supervisors to continue the hazing and mockery [IDOC Employee 1], without any concern about the effect those actions might have on [IDOC Employee 1]. Lt. Corley’s actions were unprofessional, inappropriate, and unbecoming of an IDOC supervisor.

IDOC employees are required to “conduct themselves in a manner that will not reflect unfavorably” on IDOC, and “shall not engage in conduct that is unbecoming of an employee. . .”⁷⁴ In addition, IDOC employees may only use State equipment “as authorized by the job

⁷² In his OEIG interview, [IDOC Employee 14] said he did not recall if Mr. Chavarria later told him what happened with [IDOC Employee 1]’s complaint, and explained that he ([IDOC Employee 14]) was transitioning to his new position of Chief of Operations around that time. He said he did not recall being aware that Affirmative Action decided not to open an investigation of [IDOC Employee 1]’s complaints based on a conclusion that there was no covered class, and added, “That’s disappointing.”

⁷³ As of October 19, 2020, [IDOC Employee 11]’s investigation had not been completed.

⁷⁴ 20 Ill. Admin. Code § 120.30; *see also* IDOC Admin. Dir. 03.02.108 § I.B (2013).

assignment.”⁷⁵ The evidence gathered in the investigation showed that Lt. Corley used a State computer to create the Fictitious Form, used the Fictitious Form to haze his subordinate, and subsequently used a State scanner, computer, and email to share the Fictitious Form with other supervisors to continue the hazing. The OEIG concludes that Lt. Corley engaged in conduct unbecoming of an IDOC supervisor and misused State equipment, in violation of the Administrative Code and IDOC Administrative Directives, and those allegations are [REDACTED].⁷⁶

Pontiac Managers’ Failure to Take Action, and Further Circulation of the Fictitious Form

As news of Lt. Corley’s hazing of [IDOC Employee 1] spread through Pontiac “like wildfire,” many upper-level managers saw or received the Fictitious Form, including the Warden, both Assistant Wardens, and numerous Majors. Although each of those managers had a responsibility to ensure a professional working environment and set a positive example for the other staff, none took action at that time to tell Lt. Corley that his conduct was inappropriate, or made an effort to immediately stop the prank from spreading further. Worse, a number of the managers themselves actively participated in the misconduct by sharing the Fictitious Form with others. Those actions were unprofessional, inappropriate, and unbecoming of IDOC supervisors.

In addition to Warden Kennedy (whose misconduct is discussed below), the evidence showed that at minimum, Asst. Wardens French and Ruskin, and Majors Cooper, Prentice, Shelton, and Wheat were aware of Lt. Corley’s actions and the Fictitious Form, but failed to take appropriate, timely, and necessary action to address it. The evidence also showed that Asst. Wardens French and Ruskin, and Maj. Prentice exacerbated the situation by further spreading the Fictitious Form to other managers for the purpose of sharing the prank at [IDOC Employee 1]’s expense.⁷⁷ The OEIG concludes that by failing to take necessary action to immediately address Lt. Corley’s misconduct and stop the prank from spreading further, and/or by actively sharing the prank with others, all of these individuals engaged in conduct unbecoming of an IDOC supervisor, in violation of the Administrative Code and IDOC Administrative Directives, and those allegations are [REDACTED]. Asst. Wardens French and Ruskin, and Maj. Prentice’s misuse of State equipment and/or email to share the Fictitious Form with others further violated the Administrative Code and IDOC Administrative Directives, and those allegations also are [REDACTED].

Subsequent Harassment of [IDOC Employee 1]

The sharing of the Fictitious Form throughout Pontiac was not harmless fun. To the contrary, it was the catalyst that set off numerous incidents of harassment [IDOC Employee 1] in the months that followed. [IDOC Employee 1] reported that after the incident with the Fictitious Form, he was the “subject of jokes around the institution.” He received multiple calls at work in

⁷⁵ 20 Ill. Admin. Code § 120.40(d); *see also* IDOC Admin. Dir. 03.02.108 § II.G.1.e (2013).

⁷⁶ The OEIG concludes that an allegation is “[redacted]” when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

⁷⁷ It is likely that other Pontiac staff who were not interviewed in the investigation also may have failed to take appropriate action and/or were involved in disseminating the Fictitious Form. The OEIG recommends that IDOC take similar action with respect to any other such employees.

which the callers referred to him as a “faggot ass bitch,” asked if he was “done fingering [his] buttohole yet,” warned “I’m not fucking with you,” or simply hung up on him. [IDOC Employee 27] shouted “[IDOC Employee 1]’s a fag” from a Catwalk, in the hearing of inmates, and on another occasion pressed his body against [IDOC Employee 1]’s and asked, “do you want to draw this one?” An inmate refused to be strip searched by [IDOC Employee 1], whom he referred to as a “homosexual.” Graffiti with sexual connotations about [IDOC Employee 1] appeared in multiple towers. As [IDOC Employee 1] wrote in one of his hardship transfer requests, as a result of the harassment and unprofessional conduct he experienced, “I now dread coming to work everyday because of the uncertainty of what I will have to endure from co-workers.”

IDOC Administrative Directives state that “[a]ll employees are entitled to a work environment free of . . . harassment” based on various characteristics, including sexual orientation.⁷⁸ Harassment is defined as “verbal or physical conduct that denigrates or shows hostility or aversion toward an individual or group because of . . . sexual orientation,” and that has the purpose or effect of creating an intimidating, hostile, or offensive working environment, unreasonably interfering with an individual’s work performance, or otherwise adversely affecting an individual’s employment opportunities.⁷⁹ Examples of prohibited harassment include denigrating verbal or physical conduct such as epithets and slurs, negative stereotyping, and threatening or intimidating acts; and written or graphic material such as graffiti.⁸⁰ In the Title VII context, courts have considered the totality of circumstances in determining whether harassment is sufficiently severe or pervasive to create a hostile work environment, including the frequency of the conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee’s work performance.⁸¹

The harassment [IDOC Employee 1] experienced amounted to a hostile work environment. The evidence gathered in this investigation revealed that over a lengthy period of time, [IDOC Employee 1] was repeatedly subjected to denigrating conduct at work based on his perceived sexual orientation, including anti-gay slurs, harassing calls, and multiple instances of graffiti. This harassment clearly interfered with [IDOC Employee 1]’s ability to do his work, as evidenced by his request to change shifts, his reassignment to tower duty, his request to transfer to the Medium Security Unit, and his multiple requests for a hardship transfer. Moreover, the Pontiac managers’ failure to properly address the initial incident against [IDOC Employee 1] relating to the Fictitious Form, and the culture at Pontiac where sexual jokes and pranks were common, signaled that harassment would be tolerated, and thus permitted, if not encouraged the harassment against [IDOC Employee 1] to take place. And, although IDOC has an Office of Affirmative Action, the referral of [IDOC Employee 1]’s issues to that office did not address them in any meaningful way. Accordingly, the allegation that [IDOC Employee 1] experienced a hostile work environment at Pontiac is [REDACTED], and the OEIG further finds that IDOC is responsible for it due to these failures.⁸²

⁷⁸ IDOC Admin. Dir. 03.01.307(I)(B) (2002).

⁷⁹ IDOC Admin. Dir. 03.01.307(II)(E) (2002).

⁸⁰ IDOC Admin. Dir. 03.01.307 (2002).

⁸¹ See, e.g., *Turner v. The Saloon, Ltd.*, 595 F.3d 679, 685 (7th Cir. 2010). The courts assess the impact of the harassment from both a subjective and objective perspective. *Id.*

⁸² See also 775 ILCS 5/2-101 (noting that an employer is responsible for harassment by the employer’s nonmanagerial and nonsupervisory employees if the employer is aware of the conduct and fails to take reasonable corrective measures).

Although the OEIG was unable to identify the IDOC employees who committed much of the harassment of [IDOC Employee 1], the investigation did show that [IDOC Employee 27] was responsible for one of the most egregious incidents: the occasion when [IDOC Employee 27] pressed his body against [IDOC Employee 1]’s and asked, “do you want to draw this one?” The State Officials and Employees Ethics Act and IDOC Administrative Directives prohibit sexual harassment, including any conduct of a sexual nature that has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.⁸³ The investigation revealed that [IDOC Employee 27] pressed his body against [IDOC Employee 1]’s body at work and asked, “do you want to draw this one?,” referring to his penis and the Fictitious Form. [IDOC Employee 1] consistently described the incident in his OEIG interview, as well as in his contemporaneous descriptions of the incident in a memorandum and Investigations interview. In addition, [IDOC Employee 1] said that this contact was unwelcome and unwanted, and that he immediately moved away from [IDOC Employee 27] when it occurred. In his OEIG interview, [IDOC Employee 27] acknowledged that he was aware of the prank with the Fictitious Form. He also acknowledged that it was possible that he rubbed against [IDOC Employee 1], when he explained that if that had happened it was because it was crowded in the gate area. Although [IDOC Employee 27] denied that such contact was intentional, the OEIG finds [IDOC Employee 27]’s denial not credible given that another employee reacted at the time by asking [IDOC Employee 27] why he was standing so close to [IDOC Employee 1], which prompted [IDOC Employee 27] to move away. In addition, the intentional nature of [IDOC Employee 27]’s contact is corroborated by other incidents [IDOC Employee 1] described, including when [IDOC Employee 27] asked him “how big was it,” in reference to the Fictitious Form, and called him names such as “fag.”

[The Commission has exercised its discretion to redact this paragraph pursuant to 5 ILCS 430/20-52].

IDOC’s Failure to Maintain Policies, Procedures, or Consistent Practices Governing Hardship Transfers

[The Commission has exercised its discretion to redact this paragraph pursuant to 5 ILCS 430/20-52].

[The Commission has exercised its discretion to redact this paragraph pursuant to 5 ILCS 430/20-52].

[The Commission has exercised its discretion to redact this paragraph pursuant to 5 ILCS 430/20-52].

Warden Kennedy’s Mismanagement of Pontiac

The investigation revealed that Warden Kennedy abdicated her responsibility for providing a safe and professional working environment for her staff at Pontiac, when she failed to take immediate action to address Lt. Corley’s hazing of [IDOC Employee 1], and to put an immediate stop to the dissemination of the Fictitious Form. Any manager seeing the Fictitious Form or hearing that a manager had directed a subordinate to draw a sexually explicit picture on a fictitious

⁸³ 5 ILCS 430/5-65; IDOC Admin. Dir. 03.01.310 §§ I & II.E (May. 1, 2018).

form should have been bothered by it. Warden Kennedy, however, incredibly placed the burden on the victim of the prank to notify her that he was bothered before she was prepared to take any action. Warden Kennedy's failure to take immediate action sent the message to the other managers and staff at Pontiac that Lt. Corley's actions were acceptable or even admirable, and that the bad behavior could continue. Unfortunately for [IDOC Employee 1], it did continue.

Warden Kennedy acknowledged that she saw the Fictitious Form for the first time on October 27, 2018, the day after the prank, and she said that [IDOC Employee 1] talked to her about it shortly thereafter. However, it appears that she did not take action to address it with staff, if at all, until after [IDOC Employee 1] later submitted an incident report on November 8, 2018, nearly two weeks after the incident. Warden Kennedy said that at a regular meeting of Majors, Shift Supervisors, and Assistant Wardens, she discussed using email for work purposes, and directed staff to destroy any copies of the Fictitious Form and prevent others from further distributing it; she initially said she believed that meeting occurred during the week immediately after October 26, 2018, but later in the interview she clarified that she believed it was [IDOC Employee 1]'s November 8, 2018 incident report that prompted her to give the direction about the copies. Lt. Corley said that no one told him he should not have used the Fictitious Form, or not to do it again; and Majors Shelton, Wheat, Cooper, and Prentice did not recall Warden Kennedy talking about the incident or holding a meeting at which the Fictitious Form was discussed. Indeed, Warden Kennedy said she likely *never* would have taken any action to address it if [IDOC Employee 1] had not submitted an incident report stating that he was bothered by the incident.

As Warden, Teri Kennedy was responsible for setting a professional tone at Pontiac, and promoting a working environment that ensured that all of her staff could successfully meet the significant challenges of their jobs. Instead, she turned a blind eye to a culture where pranks and sexual jokes were commonplace, and that apparently allowed virtually the entire upper management at the facility to think such behavior by some staff at the expense of others was acceptable. Warden Kennedy failed to take immediate action to address Lt. Corley's misconduct and stop the widespread dissemination of the Fictitious Form, and only took action to move [IDOC Employee 1] and refer the matter to Investigations and Affirmative Action after [IDOC Employee 1] submitted an incident report and "it wasn't funny anymore," as Asst. Warden Ruskin put it. However, the widespread dissemination of the Fictitious Form at Pontiac and harassment that followed could have been avoided had Warden Kennedy addressed Lt. Corley's actions immediately and made sure that staff understood that such behavior would not be tolerated. The allegation that Warden Kennedy mismanaged Pontiac is [REDACTED].

Office of Affirmative Action's Failure to Open an Investigation

Finally, IDOC relies on its Office of Affirmative Action to investigate allegations of harassment and discrimination, under the assumption that the Affirmative Action Administrator is IDOC's "expert" on such issues. However, in this case, Affirmative Action failed to fulfill this important obligation when Mr. Chavarria decided not to open an Affirmative Action investigation into [IDOC Employee 1]'s allegations on the stated basis that a covered class had not been established, even though the allegations described harassment based on [IDOC Employee 1]'s perceived sexual orientation, and therefore were squarely under Affirmative Action's responsibility.

[IDOC Employee 1]’s incident reports and other written submissions that were forwarded to Affirmative Action clearly alleged incidents of harassment based on perceived sexual orientation and/or sexual harassment. For example, in those written submissions [IDOC Employee 1] described harassing phone calls he received in the towers, including one in which he was called a “faggot”; other incidents of name calling, including an incident in which [IDOC Employee 27] shouted, “[IDOC Employee 1]’s a fag” from a Catwalk; graffiti with sexual connotations about [IDOC Employee 1] and another male employee; and the incident in which [IDOC Employee 27] made unwelcome physical contact with [IDOC Employee 1]. Moreover, on several occasions, [IDOC Employee 1] specifically stated that he believed he was being harassed based on his perceived sexual orientation. As the Affirmative Action investigator’s report detailed, [IDOC Employee 1] stated in his December 12, 2018 Affirmative Action interview that he felt like a target because of his perceived sexual orientation. In addition, in his incident report about the graffiti that was forwarded to Affirmative Action on March 19, 2019, [IDOC Employee 1] again stated that he believed that the “harassment [was] being done due to [his] perceived sexual orientation.”

IDOC’s Administrative Directive on discrimination and harassment states that the Office of Affirmative Action “*shall* promptly investigate complaints referred for investigation.”⁸⁴ Nevertheless, Affirmative Action Administrator Chavarria elected not to even open an Affirmative Action investigation of [IDOC Employee 1]’s allegations, on the basis that no covered class had been established. Mr. Chavarria explained at one point in his OEIG interview that a complainant had to say what he called “magic words,” in order to warrant opening an Affirmative Action investigation, and that he decided not to open an investigation of [IDOC Employee 1]’s allegations because in a March 8, 2019 interview he said he conducted of [IDOC Employee 1], which he did not formally document, [IDOC Employee 1] was very hesitant, and did not explicitly name a covered class.

Regardless of [IDOC Employee 1]’s understandable reticence on the occasion when Mr. Chavarria said he talked to him, [IDOC Employee 1]’s allegations made before and after that meeting clearly described serious incidents of harassment based on being in a class covered by the Administrative Directive. Even accepting Mr. Chavarria’s erroneous view that an Affirmative Action investigation is not warranted unless a victim explicitly states “magic words” such as “sexual orientation,” the information provided to his office did exactly that. Affirmative Action should have opened and conducted an investigation to determine whether [IDOC Employee 1]’s allegations were substantiated, but Mr. Chavarria failed to do so. Nearly six months elapsed between Warden Kennedy’s initial referral of [IDOC Employee 1]’s complaints to Affirmative Action on November 28, 2018, and [IDOC Employee 11]’s reopening of her investigation after Mr. Chavarria declined to open an Affirmative Action investigation, and during that time [IDOC Employee 1] continued to experience harassment at Pontiac. It is difficult to understand what purpose the Office of Affirmative Action serves if its staff do not recognize allegations received of harassment based on a covered class or are allowed to ignore such allegations unless a victim verbally states the “magic words.” The allegation that Mr. Chavarria committed misfeasance by failing to promptly investigate a harassment complaint referred to Affirmative Action for investigation is [REDACTED].

⁸⁴ IDOC Admin. Dir. 03.01.307 § II.I.1 (2002) (emphasis added).

IV. [REDACTED] AND RECOMMENDATIONS

As a result of its investigation, the OEIG concludes that there is **REASONABLE CAUSE TO ISSUE THE FOLLOWING [REDACTED]**:

- [REDACTED] – IDOC Lt. Adrian Corley engaged in conduct unbecoming of an IDOC supervisor and misused State equipment, in violation of the Administrative Code and IDOC Administrative Directives.
- [REDACTED] – IDOC Asst. Warden Glendal French engaged in conduct unbecoming of an IDOC supervisor and misused State equipment, in violation of the Administrative Code and IDOC Administrative Directives.
- [REDACTED] – IDOC Asst. Warden Emily Ruskin engaged in conduct unbecoming of an IDOC supervisor and misused State equipment, in violation of the Administrative Code and IDOC Administrative Directives.
- [REDACTED] – IDOC Major Susan Prentice engaged in conduct unbecoming of an IDOC supervisor and misused State equipment, in violation of the Administrative Code and IDOC Administrative Directives.
- [REDACTED] – IDOC Major Rich Cooper engaged in conduct unbecoming of an IDOC supervisor, in violation of the Administrative Code and IDOC Administrative Directives.
- [REDACTED] – IDOC Major William Shelton engaged in conduct unbecoming of an IDOC supervisor, in violation of the Administrative Code and IDOC Administrative Directives.
- [REDACTED] – IDOC Major John Wheat engaged in conduct unbecoming of an IDOC supervisor, in violation of the Administrative Code and IDOC Administrative Directives.
- [REDACTED] – IDOC [IDOC Employee 1] was subjected to a hostile work environment at Pontiac, for which IDOC is responsible, in violation of IDOC Administrative Directives.
- [The Commission has exercised its discretion to redact this section pursuant to 5 ILCS 430/20-52].
- [REDACTED] – IDOC Warden Teri Kennedy mismanaged Pontiac Correctional Center.
- [REDACTED] – IDOC Office of Affirmative Action Administrator Fernando Chavarria committed misfeasance by failing to promptly investigate harassment complaints referred for investigation.

As discovered in this investigation, Pontiac's working environment is one where pranks and sexual jokes are routinely carried out by employees at the expense of their coworkers and subordinates, and where such behavior is condoned or even joined by the highest levels of management. Such unprofessional, irresponsible behavior and attitudes have no place in the

modern workplace. It is clear that the only way this culture will change for the better is if serious consequences are imposed.

Based on these findings, the OEIG recommends that Lt. Corley, Asst. Wardens French and Ruskin; Maj. Cooper, Prentice, Shelton, and Wheat; [IDOC Employee 27]; and Warden Kennedy be disciplined up to and including discharge, along with any other personnel IDOC determines to have engaged in similar misconduct regarding these incidents. The OEIG further recommends that IDOC remove Mr. Chavarria from his role pertaining to Affirmative Action matters, and train all Office of Affirmative Action staff on their obligations under the Administrative Directives. The OEIG also recommends that IDOC implement written procedures or formal practices governing hardship transfer requests.⁸⁵ Finally, the OEIG recommends that the current Pontiac administration take any and all necessary steps to promote a professional working environment and culture for all staff who work there, and to ensure that any future similar misconduct is immediately addressed and eradicated.

No further investigative action is needed, and this case is considered closed.

Date: October 23, 2020

Office of Executive Inspector General
for the Agencies of the Illinois Governor
607 East Adams, 14th Floor
Springfield, IL 62701

By: Angela Luning
Deputy Inspector General
and Acting Chief of Springfield Division

Melissa Brandenburg
Supervising Investigator

⁸⁵ Such procedures should comport with union agreements, and applicable hiring laws and rules.



The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

July 9, 2021

Via Electronic Mail

██████████
69 West Washington Street
Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 19-01177
IDOC Response

Dear ██████████:

On April 19, 2021, the Illinois Department of Corrections ("IDOC") provided a formal response regarding the steps or actions it took following the Office of Executive Inspector General ("OEIG") final report on the above referenced matter. Please find below updates to that response:

Major Susan Prentice's grievance will be proceeding to arbitration at CMS.

Major Rich Cooper's grievance was resolved prior to arbitration. Mr. Cooper was offered the opportunity to return to employment with IDOC on June 1, 2021. His discharge was reversed, and the time period of February 26, 2021 through May 31, 2021 was converted to a time served suspension equaling ninety-five (95) days unpaid. (See enclosed packet)

Major William Shelton's grievance will be proceeding to arbitration at CMS.

██████████ ██████████
Lt. Adrian Corley's grievance is pending at CMS level.

IDOC will continue update its responses to the report as requested by the OEIG. Please let me know if there are any additional questions or concerns.

Sincerely,

Robert L. Fanning
Chief Legal Counsel
Illinois Department of Corrections

Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.

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The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

May 23, 2022

VIA E-MAIL

Angela Luning
Deputy Inspector General and Acting Chief, Springfield Division
Office of Executive Inspector General
69 West Washington, Suite 3400
Chicago, IL 60602
Email: [REDACTED]

Re: OEIG Case No. 19-01177
IDOC Final Response

Dear Deputy Inspector General Luning:

On October 23, 2020, the Office of Executive Inspector General ("OEIG") provided the Illinois Department of Corrections ("IDOC") its final report on the above referenced matter. The OEIG found numerous IDOC employees engaged in conduct unbecoming, relating to an incident at Pontiac Correctional Center in which a Lieutenant hazed a subordinate officer by directing him to draw a sexually explicit picture on a fictitious form, and the form was widely disseminated.

The final report of OEIG Case No. 19-01177 concluded reasonable cause to issue founded reports against IDOC Lt. Adrian Corley, Assistant Warden Glendal French, Assistant Warden Emily Ruskin, Major Susan Prentice, Major Rich Cooper, Major William Shelton, Major John Wheat, [REDACTED], Warden Teri Kennedy, and Office of Affirmative Action Administrator Fernando Chavarria. Following receipt of the final report, the IDOC thoroughly reviewed the matter and initiated appropriate administrative action against the responsible parties.

The Department terminated wardens Glendal French and Emily Ruskin on March 5, 2021. Warden Teri Kennedy and Major John Wheat retired following the completion of the report, but prior to any administrative action being initiated due to the report.

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Major Susan Prentice was served with discipline and an Employee Review Hearing was conducted on January 14, 2021. Major Prentice was found to have violated AD 1.05.105 Use and Security of Computers and Computer Systems; A.D. 03.02.108 Standards of Conduct; ID 03.02.108 Employees Responsibilities and Standards of Conduct; and DR 120 Rules of Conduct. The hearing officer recommended suspension pending discharge and IDOC Chief of Operations concurred on February 18, 2021. IDOC served Major Prentice with the suspension pending discharge on February 27, 2021. Central Management Services ("CMS") approved the discharge and Susan Prentice was discharged on March 25, 2021. She filed a grievance, which was resolved by CMS resulting in the employee receiving a 30-day suspension and unpaid leave of absence and a promise to resign on November 1, 2021.

Major Rich Cooper was served with discipline and an Employee Review Hearing was conducted on January 14, 2021. Major Cooper was found to have violated AD 1.05.105 Use and Security of Computers and Computer Systems; A.D. 03.02.108 Standards of Conduct; ID 03.02.108 Employees Responsibilities and Standards of Conduct; and DR 120 Rules of Conduct. The hearing officer recommended suspension pending discharge and IDOC Chief of Operations concurred on February 18, 2021. IDOC served Major Cooper with the suspension pending discharge on February 27, 2021. CMS approved the discharge on March 25, 2021. Major Cooper filed a grievance which was resolved prior to arbitration by CMS. The resolution allowed Major Cooper to return to employment with IDOC on June 1, 2021. The resolution resulted in the discharge being reversed and the employee serving a suspension.

Major William Shelton was served with discipline and an Employee Review Hearing was conducted on January 14, 2021. Major Cooper was found to have violated AD 1.05.105 Use and Security of Computers and Computer Systems; A.D. 03.02.108 Standards of Conduct; ID 03.02.108 Employees Responsibilities and Standards of Conduct; and DR 120 Rules of Conduct. The hearing officer recommended suspension pending discharge and IDOC Chief of Operations concurred on February 18, 2021. IDOC served Major Shelton with the suspension pending discharge on February 27, 2021. CMS approved the discharge and Mr. Shelton was discharged on March 25, 2021. Mr. Shelton filed a grievance, that was resolved by CMS prior to arbitration resulting in the discharge being reversed and the employee permitted to return to work. The discipline was reduced to a 25-day suspension.

[REDACTED]

Lt. Adrian Corley was served with discipline and an Employee Review Hearing was conducted on January 14, 2021. Lt. Corley was found to have violated AD 1.05.105 Use and Security of Computers and Computer Systems; A.D. 03.02.108 Standards of Conduct; ID 03.02.108 Employees Responsibilities and Standards of Conduct; and DR 120 Rules of Conduct. The hearing officer recommended suspension pending discharge and IDOC Chief of Operations concurred on February 18, 2021. IDOC served Lt. Corley with the suspension

pending discharge on February 27, 2021. The employee challenged the discharge through the grievance procedure and was ultimately terminated.

Fernando Chavarria was served with discipline and an Employee Review Hearing was conducted on January 13, 2021. Mr. Chavarria was found to have violated A.D. 03.01.310 Sexual Harassment; A.D. 03.02.108 Standards of Conduct; and DR 120 Rules of Conduct. Mr. Chavarria served a 30-day suspension for the violations. Mr. Chavarria's unit further went through individualized training on investigating and reporting sexual harassment claims.

Sincerely,

Robert L. Fanning
Chief Legal Counsel
Illinois Department of Corrections



The Illinois Department of Corrections

1301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

October 6, 2022

Via Electronic Mail

[REDACTED]
69 West Washington Street
Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 19-01177
IDOC Final Response

Dear [REDACTED]:

On October 23, 2020, the Office of Executive Inspector General ("OEIG") provided the Illinois Department of Corrections ("IDOC") its final report on the above referenced matter. The OEIG found numerous IDOC employees engaged in conduct unbecoming, relating to an incident at Pontiac Correctional Center in which a Lieutenant hazed a subordinate officer by directing him to draw a sexually explicit picture on a fictitious form, and the form was widely disseminated.

[REDACTED]

[REDACTED]

Sincerely,

Robert L. Fanning
Chief Legal Counsel
Illinois Department of Corrections

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GLENDAL FRENCH

VIA EMAIL – PDF ONLY

November 23, 2022

Illinois Executive Ethics Commission
401 S. Spring Street
Room 513, Wm. Stratton Building
Springfield, IL 62706
[REDACTED]@illinois.gov]

Re: Release of Redacted OEIG Report #19-01177

Ladies/Gentlemen:

Although I no longer work for the State of Illinois, I have been identified in your proposed report.

You state I engaged in "Conduct Unbecoming." This generic claim is not defined in your report. Since my name is associated with only two data points, I can summarize your discerned "Conduct Unbecoming" as:

1. Another person interpreted my affect when I learned about the "Fictitious Form." That person's statement was given at a time when she felt her job was in jeopardy. It is not unexpected that she would try to "share" the blame;
2. That I emailed the "Fictitious Form" to IDOC Employee 5 without comment or emoji;

You state:

" In a January 30, 2020 OEIG interview, [IDOC Employee 5] confirmed that he received the email and "Fictitious Form" from Asst. Warden French, and said that in a subsequent conversation, Asst. Warden French told him that [Identifying Information Redacted] was told to draw the image on a form that someone made up, after that [Identifying Information Redacted] wrote a ticket for sexual misconduct. [IDOC Employee 5] said he did not forward the "Fictitious Form" to anyone, and OEIG investigators did not identify any

emails that discussed the "Fictitious Form" that were sent from [IDOC Employee 5's State email account on or shortly after October 26, 2018.

Asst. Warden French and Warden Kennedy said that the only Pontiac staff members who have State-issued cellular phones within Pontiac are the Wardens, the two Assistant Wardens, the Chief of Internal Affairs, and the Chief of Intelligence Unit; and that staff are not allowed to have personal cellular phones in the facility.

Investigators **did not identify any additional emails sent from AO Warden French's State email account that discussed the 'Fictitious Form' on or shortly after October 26, 2018.** " (Emphasis Added)

Your report neglects to point out that IDOC ***Employee 5 was the Acting Chief of Internal Affairs.*** The "Fictitious Form" is a **violation** of not only the rules and regulations applied to IDOC employees but also a blatant violation of the **Illinois Human Rights Act**. I recognized that immediately. As such, in my capacity as Assistant Warden, I **had a duty to forward it to internal affairs** promptly after learning about it. Your report confirms that I sent it without comment. The email contained no humor, no Emoji, and not a word trivializing the gravity of what was depicted in the "Fictitious Form." **I was mandated to report such grievous conduct.**

Additionally, I could not engage in a correction with the author of the "Fictitious Form" without running the risk that that would be his "final" discipline. This is a matter of simple labor law, in which Wardens and Assistant Wardens are trained. If I had talked to the author or anyone circulating the "Fictitious Form," that would have been considered a verbal reprimand, and further discipline would likely not have been available. This is simply the way public employee labor law works. Management encounters this argument continuously.

I discharged my duty to send this offensive piece to Internal Affairs. Not only is that transmission not "conduct unbecoming," but I would have been guilty of conduct unbecoming and **condoning Human Rights abuses had I not forwarded the item to Internal Affairs.** I had then and have now no control over what IA did or did not do with the information.

Your report portrays me in a false light by omitting the fact that IDOC Employee 5 was the Chief of IA. Transmitting the item to IDOC Employee 5 was the only honorable and lawful option any Assistant Warden in my place would have had. My transmittal was not only lawful but mandated. The fact there was no comment reflects I tried to do this distasteful task as gentlemanly and tastefully as possible.

Finally, when your agency interviewed me, I took pains to point out why the item was sent to IDOC Employee 5. You chose to leave out the most essential piece of information I conveyed to you or, at a minimum, not emphasize a pivotal fact of the case.

Any finding I engaged in "conduct unbecoming" should be stricken from the report.

I am aware that some are offended by the use of bold letters or underlining. I use both in this letter, and I am sorry if this is offensive to someone. The proposed report failed to emphasize the mandated nature of my transmission to IDOC Employee 5. Thus, I place no value on subtlety in this reply. I have used bold letters and underlining where I believe it is helpful to point out the factual backgrounds and management obligations in the subject circumstances.

The report should be rewritten without reference to me by name and without finding that I committed "conduct unbecoming" or any other rules or law violation. To do otherwise would damage my reputation for actually doing an honorable, lawful, and mandated task.

Thank you for your serious consideration.

Sincerely,

A black rectangular redaction box covering the signature of Glendal French.

Glendal French

Enc.